

237.

*Any person aggrieved by any decision or action or failure to act on the part of the Secretary or any department or other agency within the Department of Natural Resources for which an appeal to the Board of Review of the Department of Natural Resources is provided by Section 236 of this Article, and regulations adopted pursuant thereto, shall be entitled to appeal WITHIN SUCH PERIOD AS ESTABLISHED BY REGULATION OF THE BOARD OF REVIEW AND in the manner hereinafter set forth, provided however, that prior to the commencement thereof the person so aggrieved shall make known the basis of the complaint to the person or persons responsible for the decision or the conduct of the action or of the withholding of the action, as the case may be, together with a request that the same be reviewed. If a satisfactory resolution has not occurred within thirty (30) days thereafter, the complainant may proceed as follows:*

*(1) Any complainant seeking further review shall set forth the nature of the complaint in writing, WITHIN SUCH PERIOD AS ESTABLISHED BY REGULATION OF THE BOARD OF REVIEW AND wherein it shall be outlined in detail with a full description of all facts and circumstances pertinent thereto. The complaint shall be filed with the Chief Executive Officer of the department or other agency to which application for review is made, if there be one, but if there be none, then with any member of its governing body. Receipt of such complaint shall be promptly acknowledged in writing and a copy transmitted to the Secretary of Natural Resources. The department or other agency shall then proceed to investigate the complaint. Subject to such extensions of time as the parties may agree upon, a decision shall be rendered in writing and a copy thereof sent to the Complainant within thirty (30) days of the filing of the complaint. A record shall be kept of all complaints and their disposition which shall be open to public inspection during regular business hours.*

*(2) A party aggrieved by an adverse decision or action or failure to take action within the time prescribed by subsection (1) of this section may file an appeal to the Board of Review of the Department of Natural Resources. The Board shall adopt procedures as provided in the Administrative Procedure Act, Section 244 et seq. of this Article, and shall in all other respects be governed by the provisions of said Act. At least five members shall sit at any hearing of the Board, constituted as a Board of Appeal. Decisions shall be by a majority of the Board sitting. The Board's decision shall be in writing, stating its reasons. Minutes of its proceedings shall be kept. The Chairman, or acting Chairman, shall have the power to administer oaths and compel the attendance of witnesses. The decision of the Board shall be the final agency decision for purposes of judicial review under Section 255 of this Article or for purposes of any other provisions of law permitting appeals to the courts from decisions of agencies included within the Department of Natural Resources. Appeals from decisions of the Board shall be as prescribed in the Administrative Procedure Act or by the substantive law applying to the commission, department, board or other instrumentality whose decision is being appealed.*