

(5) ACCEPTANCE OF ANY POSITION OR THE CONDUCT OF ANY BUSINESS THAT CONFLICTS OR TENDS TO CONFLICT WITH THE PERFORMANCE OF ANY DUTY OF THE BOARD.

REVISOR'S NOTE: This section presently appears as Art. 41, §208B(d).

The only changes are in style.

See, also, Art. 41, §4, which provides that "[a]ny member of any State board or commission appointed by the Governor who shall fail to attend at least 50 percent of the meetings of the board or commission of which he is a member during any period of twelve consecutive months shall be considered to have resigned...."

2-505. POWERS AND DUTIES OF BOARD.

(A) RECOMMENDATIONS TO SECRETARY.

THE BOARD MAY MAKE RECOMMENDATIONS TO THE SECRETARY ON THE OPERATION AND ADMINISTRATION OF THE DEPARTMENT AS IT DETERMINES NECESSARY OR DESIRABLE.

(B) APPEAL TO BE HEARD AND DETERMINED BY BOARD.

(1) THE BOARD SHALL HEAR AND DETERMINE ANY APPEAL FROM A DECISION OF THE SECRETARY OR ANY UNIT IN THE DEPARTMENT IF:

(I) THE DECISION IS THE ADOPTION OF A RULE, AS DEFINED BY THE ADMINISTRATIVE PROCEDURE ACT IN ARTICLE 41, §244;

(II) THE APPEAL IS SUBJECT TO JUDICIAL REVIEW UNDER THE ADMINISTRATIVE PROCEDURE ACT IN ARTICLE 41, §249; AND

(III) THE CHALLENGE TO THE DECISION IS BASED ON ONE OF THE GROUNDS SET FORTH IN THE ADMINISTRATIVE PROCEDURE ACT IN ARTICLE 41, §249.

(2) BY RULE OR REGULATION, THE SECRETARY MAY REQUIRE THAT THE BOARD HEAR AND DETERMINE APPEALS FROM THOSE DECISIONS, ACTIONS, OR INACTIONS OF ANY UNIT IN THE DEPARTMENT FOR WHICH REVIEW IS PROVIDED BY THE RULE OR REGULATION.

(C) ANNUAL REPORT.

THE BOARD SHALL REPORT AT LEAST ANNUALLY TO THE SECRETARY. ITS REPORT SHALL INCLUDE A SUMMARY BY CATEGORIES OF APPEALS HEARD AND DETERMINATIONS MADE.

(D) DISQUALIFICATION OF MEMBERS.