

(C) IF, BEFORE THE DATE SET FOR HEARING, APPLICATION IS MADE TO THE COURT FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE ON THE ISSUES IN THE CASE, AND IT IS SHOWN TO THE SATISFACTION OF THE COURT THAT THE ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WERE GOOD REASONS FOR FAILURE TO PRESENT IT IN THE PROCEEDING BEFORE THE AGENCY, THE COURT MAY ORDER THAT THE ADDITIONAL EVIDENCE BE TAKEN IN OPEN COURT OR BEFORE THE AGENCY UPON SUCH CONDITIONS AS THE COURT DEEMS PROPER. IN CASES IN WHICH THE ADDITIONAL EVIDENCE IS TAKEN BEFORE THE AGENCY, IT MAY MODIFY ITS FINDINGS AND DECISION BY REASON OF THE ADDITIONAL EVIDENCE AND SHALL FILE WITH THE REVIEWING COURT, TO BECOME A PART OF THE RECORD, THE ADDITIONAL EVIDENCE, TOGETHER WITH ANY MODIFICATIONS OR NEW FINDINGS OR DECISION.

(D) THE REVIEW SHALL BE CONDUCTED BY THE COURT WITHOUT A JURY. IN CASES OF ALLEGED IRREGULARITIES IN PROCEDURE BEFORE THE AGENCY, NOT SHOWN IN THE RECORD, TESTIMONY THEREON MAY BE TAKEN IN THE COURT. THE COURT SHALL, UPON REQUEST, HEAR ORAL ARGUMENT AND RECEIVE WRITTEN BRIEFS.

(E) THE COURT MAY AFFIRM THE DECISION OF THE AGENCY OR REMAND THE CASE FOR FURTHER PROCEEDINGS; OR IT MAY REVERSE OR MODIFY THE DECISION IF THE SUBSTANTIAL RIGHTS OF THE PETITIONERS MAY HAVE BEEN PREJUDICED BECAUSE THE ADMINISTRATIVE FINDINGS, INFERENCES, CONCLUSIONS, OR DECISIONS ARE:

- OR
- (1) IN VIOLATION OF CONSTITUTIONAL PROVISIONS;
 - (2) IN EXCESS OF THE STATUTORY AUTHORITY OR JURISDICTION OF THE AGENCY; OR
 - (3) MADE UPON UNLAWFUL PROCEDURE; OR
 - (4) AFFECTED BY OTHER ERROR OF LAW; OR
 - (5) UNSUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE IN VIEW OF THE ENTIRE RECORD AS SUBMITTED; OR
 - (6) AGAINST THE WEIGHT OF COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE IN VIEW OF THE ENTIRE RECORD, AS SUBMITTED BY THE AGENCY AND INCLUDING DE NOVO EVIDENCE TAKEN IN OPEN COURT; OR
 - (7) UNSUPPORTED BY THE ENTIRE RECORD, AS SUBMITTED BY THE AGENCY AND INCLUDING DE NOVO EVIDENCE TAKEN IN OPEN COURT; OR
 - (8) ARBITRARY OR CAPRICIOUS.

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AN AGGRIEVED PARTY MAY SECURE A REVIEW OF ANY FINAL JUDGMENT OF THE CIRCUIT COURT UNDER THIS SUBTITLE BY APPEAL