

If the Department OF HEALTH AND MENTAL HYGIENE exercises the option provided by paragraph (2), the alleged violator may request in writing a hearing before the Department not later than ten days after the date that notice of the requirement of the written report is served. The appearance of the alleged violator before the Department under the options provided by paragraph (3) or (4) constitutes an administrative hearing, and the party has the right of any party in a contested case provided in §§ 251 and 252 of Article 41 of the Code. If the Department exercises the option provided by paragraphs (2), (3), or (4), it may not issue an order requiring corrective action to be taken as a result of the alleged violation before expiration of the time set for filing any report and holding any hearing required under these paragraphs. Thereafter, the Department may issue an order requiring necessary corrective action be taken within the time prescribed in the order. A person is not entitled to a hearing before the Department as a result of this order. Notice of a hearing or of a requirement that a written report be filed shall be served on the alleged violator in accordance with the provisions of subsection (c) not less than ten days before the time set for the hearing or filing of a report. Every order the Department OF HEALTH AND MENTAL HYGIENE issues under the provisions of this section shall be served on the person affected in accordance with the provisions of subsection (c). The order shall become effective immediately according to its terms upon service.

(b) Judicial review of departmental order. -- A person aggrieved by an order or permit issued does not have the right to appeal to the board of review OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE [as provided in Title 1 of this article], but may obtain immediate judicial review under the provisions of Article 41, §§ 255 and 256 and the Maryland Rules of Procedure.

(c) Manner of service of notices, orders, etc. -- Except as otherwise provided, any notice, order, or other instrument issued by or under authority of the Department OF HEALTH AND MENTAL HYGIENE may be served personally or by publication on any person affected. Service may be made by mailing a copy of the notice, order, or other instrument by certified or registered mail to the person affected at his last known post-office address as shown by the Department's files or records. Proof of service may be made by the sworn statement or affidavit of the person who mailed the notice, order, or other instrument. The sworn statement or affidavit shall be filed with the Department OF HEALTH AND MENTAL HYGIENE.

(d) Record of hearings; witnesses' fees and mileage; court order requiring appearance, etc., at hearing. -- A verbatim record of the proceedings of hearings may be taken when necessary or advisable by the Department OF HEALTH AND MENTAL HYGIENE. A subpoenaed witness shall receive the same fees and mileage as in any civil action. If a witness