

(1) NOT LATER THAN 60 DAYS AFTER THE CONCLUSION OF THE HEARING, OR, IF A HEARING IS NOT HELD, AFTER THE SCHEDULED HEARING DATE, THE BOARD OF COMMISSIONERS SHALL PASS A PRELIMINARY ORDER APPROVING OR REFUSING THE APPLICATION TO ORGANIZE.

(2) THE BOARD OF COMMISSIONERS SHALL ISSUE A FINAL ORDER OF APPROVAL FOR INCORPORATION WHEN THE BOARD RECEIVES THE SURETY BOND UNDER THIS SUBTITLE AND IS SATISFIED THAT THE INITIAL ACCOUNTS REQUIRED UNDER THIS SUBTITLE ARE FUNDED IN CASH.

(C) APPEAL FROM ORDER.

AN APPLICANT AGGRIEVED BY THE FINAL ORDER OF THE BOARD OF COMMISSIONERS MAY APPEAL IT IN ACCORDANCE WITH TITLE 8, SUBTITLE 4 OF THIS ARTICLE AND CHAPTER 1100, SUBTITLE B OF THE MARYLAND RULES.

(D) APPROVAL OR REFUSAL OF ARTICLES.

(1) AFTER THE TIME FOR APPEAL OF THE ORDER EXPIRES OR ON FINAL DETERMINATION OF ANY APPEAL TAKEN, THE BOARD OF COMMISSIONERS SHALL ENDORSE AND DATE EACH COPY OF THE ARTICLES "APPROVED" OR "REFUSED".

(2) IF THE BOARD OF COMMISSIONERS APPROVES THE ARTICLES, IT SHALL:

(I) RETURN THE ENDORSED, EXECUTED ARTICLES TO THE CHAIRMAN OF THE INCORPORATORS; AND

(II) KEEP THE CONFORMED COPY.

(3) IF THE BOARD OF COMMISSIONERS REFUSES THE ARTICLES, IT SHALL RETURN THE ENDORSED, EXECUTED ARTICLES TO THE CHAIRMAN OF THE INCORPORATORS WITH A WRITTEN STATEMENT AS REQUIRED BY THE ADMINISTRATIVE PROCEDURE ACT.

COMMITTEE COMMENT: This section formerly appeared as CA §§ 6-208(d), (e), and (f), 6-209(a), and 6-210(a).

Action under this section is governed also by the Administrative Procedure Act which requires the Board to give written findings of fact with any order refusing an application.

In subsection (a) of this section, the word "proposed" is added for clarity, and the word "bylaws" is added as the accepted practice of the Board.

Subsection (b) of this section adds a preliminary order of approval followed by a final order, for clarity, since as a matter of practicality, initial funds would not be deposited in cash until incorporation had been approved.