

(C) DISPOSITION OF CASE.

IF A DECISION OF THE COMMISSIONER IS APPEALED, THE COURT MAY REVERSE, AFFIRM, OR MODIFY THE DECISION.

(D) RIGHT TO APPEAL TO COURT OF SPECIAL APPEALS.

THE AGGRIEVED APPLICANT OR LICENSEE OR THE COMMISSIONER MAY APPEAL THE DECISION OF THE COURT TO THE COURT OF SPECIAL APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 58A, § 7.

Subsection (a) of this section is revised to reflect that the office of the Commissioner is located in Baltimore City.

In subsection (a) (2) of this section, reference to "the Baltimore City Court" is substituted for the reference to "any law court of Baltimore City", since the former is the specific law court in Baltimore City to which appeals are authorized under the Administrative Procedure Act, Art. 41, § 255 (b) of the Code.

In subsection (b) of this section, the reference to a finding by the court that additional "evidence" is necessary is substituted for the reference to a finding that "testimony" is necessary. This substitution is in accordance with the apparent intent of the present law that the finding not be limited to a need for testimonial evidence.

It is unclear how the provisions of this section operate in conjunction with the Administrative Procedure Act, Art. 41, § 244 et seq., which provides certain procedures for obtaining judicial review of any "final decision" of an agency in a "contested case". Whether or not a particular situation constitutes a contested case depends on whether the complainant has a right to a hearing (see the Administrative Procedure Act definition of "contested case" in Art. 41, § 244). Under present Art. 58A, § 6 — now §§ 11-216 and 11-217 of this subtitle — a licensee must be given an opportunity to be heard before the license may be suspended or revoked. There is no requirement of a hearing, however, before an application for a license may be denied. (See present Art. 58A, § 4(c) — now § 11-207(d) of this subtitle.) A suspension or revocation proceeding under this subtitle thus would be a contested case under the Administrative Procedure Act; a denial of an application for a license apparently would not be a contested case.