

Art. 41, § 244 et seq. of the Code, to administrative hearings under this section.

Subsections (c) and (d) of this section include only those provisions that appear to add to the provisions of the Administrative Procedure Act. Thus, the provision in present Art. 32, § 14(c) requiring that the notice served on an individual include the "time and place" of the hearing is deleted as essentially repetitious of provisions of the Administrative Procedure Act.

As to subsection (e) of this section, the statement that the individual may appear with counsel is implicit in the scheme of the Administrative Procedure Act; however, since the provision is stated explicitly in present Art. 32, § 14(f), it is retained in this section. The provision in present Art. 32, § 14(f) that the Board "may have the benefit of counsel" is deleted as unnecessary.

The balance of present Art. 32, § 14(c) now appears in § 4-315 of this subtitle.

4-318. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 4-314 OF THIS SUBTITLE, A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW;
AND

(2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ACTION UNDER § 4-314.

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 4-314 OF THIS SUBTITLE MAY NOT APPEAL TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: This section is new language derived in part from the second paragraph of Art. 32, § 13 and the first part of the first sentence of § 35. In addition, standard language used throughout this article is added, based on the combined requirements of the Administrative Procedure Act and of the provisions regarding the Board of Review.