

testify in his own defense" are deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

Also as to subsection (d) of this section, the statement that the individual is entitled to appear with counsel is implicit in the scheme of the Administrative Procedure Act; however, since this provision is stated explicitly in present Art. 43, § 266A(a), it is retained in this section.

As to the issuance of subpoenas and administration of oaths for the conduct of a hearing, see Art. 43, § 3 of the Code, which gives these powers to the Secretary or to anyone the Secretary designates.

12-313. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 12-311 OF THIS SUBTITLE, ANY 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 § 12-311.

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 12-311 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, which is substituted for Art. 43, § 266A(b), is standard language used throughout this article to provide for administrative and judicial review. The new language is based on the combined requirements of the Administrative Procedure Act and of the provisions regarding the Board of Review.

The introductory language of subsection (a) and the introductory phrase of subsection (b)(1) of this section conform to the Administrative Procedure Act, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested