

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 case if a party has a right to a hearing (see the Administrative Procedure Act definition of "contested case" in Art. 41, § 244 of the Code).

As to the application of subsections (a) and (b) of this section, the Board of Review has general jurisdiction over final decisions of the Board under this subtitle. Therefore, for some actions, a decision of the Board of Review is a prerequisite to judicial review. Subsection (a) of this section reflects that general procedure. The Board of Review, however, does not have jurisdiction over any disciplinary action taken by the Board. Consequently, subsection (b) of this section expressly provides for direct judicial review for persons aggrieved under § 15-311 of this subtitle.

The new language substituted in subsections (a) and (b) of this section better coordinates the combined requirements of the Administrative Procedure Act and the provisions of this article regarding the Board of Review. These provisions apply in any event. No substantive change is intended.

As to subsections (a) and (b) of this section, provisions that appeals shall be taken in accordance with the Administrative Procedure Act are substituted for the present language that allows a licensee to "appeal to the circuit court for the county in which he resides". Art. 41, § 255(b) of the Code allows an appeal to be taken in the county in which the person either resides or has a principal place of business.

The automatic stay provided in subsection (c) of this section is in addition to any judicial stay that may be ordered.

As to the Board of Review, see Art. 41, §§ 206A and 206B of the Code.