

The reference in subsection (b) of this section to the Administrative Procedure Act is standard language added to this and, where necessary, corresponding sections of other titles of this article. It demonstrates clearly the intended application of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to the procedures for the administrative hearings under this section.

As to the power of the Board to issue subpoenas, administer oaths, and examine witnesses, see § 2-312(a)(2) of this subtitle.

2-315. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 2-313 OF THIS TITLE, 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 § 2-313.

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 2-313 OF THIS TITLE 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 the second sentence of Art. 43, § 807, 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 language of 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).