

(F) REVIEW PROCEDURES; BOARD DECISION IS FINAL AGENCY DECISION.

(1) THE BOARD SHALL ADOPT PROCEDURAL RULES AND REGULATIONS AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT AND IN ALL RESPECTS SHALL BE GOVERNED BY THAT ACT. AT LEAST 3 MEMBERS SHALL SIT AT EACH HEARING OF THE BOARD WHEN IT SITS AS A BOARD OF APPEAL. DECISIONS SHALL BE BY A MAJORITY OF THE MEMBERS SITTING, SHALL BE IN WRITING, AND SHALL STATE THE BOARD'S REASONS. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDINGS.

(2) A DECISION OF THE BOARD IS A FINAL AGENCY DECISION FOR PURPOSES OF JUDICIAL REVIEW UNDER THE ADMINISTRATIVE PROCEDURE ACT OR ANY OTHER LAW THAT PERMITS AN APPEAL TO THE COURTS FROM A DECISION OF A UNIT IN THE DEPARTMENT.

(G) OATHS AND WITNESSES.

(1) AS TO ANY ISSUE FOR WHICH THE TAKING OF EVIDENCE IS AUTHORIZED, THE CHAIRMAN OR THE ACTING CHAIRMAN MAY ADMINISTER OATHS AND ISSUE SUBPOENAS AND ORDERS FOR THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF EVIDENCE.

(2) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SUBSECTION, ON THE PETITION OF THE CHAIRMAN OR ACTING CHAIRMAN, A COURT OF COMPETENT JURISDICTION MAY COMPEL OBEDIENCE TO THE ORDER OR SUBPOENA OR COMPEL TESTIMONY OR THE PRODUCTION OF EVIDENCE.

(H) JUDICIAL REVIEW.

UNLESS THERE IS A SPECIAL PROVISION OF LAW GOVERNING AN APPEAL OF A DECISION OF A PARTICULAR UNIT, EACH APPEAL FROM A DECISION OF THE BOARD SHALL BE GOVERNED BY THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: Subsections (a) through (e)(1), (f), (g)(1), and (h) of this section are new language derived without substantive change from former Article 41, § 206B.

Subsection (e)(2) of this section is new language added as a cross-reference to Article 41, § 253 of the Code, which enables a party aggrieved by a proposed decision in a contested case to obtain review of the decision if the hearing in the case is not conducted by a majority of the officials who are to render the final decision. Subsection (e)(2) of this section also expressly recognizes that the notice and complaint requirements of subsections (b) and (c) of this section do not apply properly to a party aggrieved by a decision