

2-607. SAME -- JUDICIAL REVIEW.

(A) RIGHT TO APPEAL.

(1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY OR THE DESIGNATED HEARING OFFICER IN CONNECTION WITH A SHOW CAUSE ORDER, A CORRECTIVE ORDER, OR ANY OTHER FINAL ORDER ISSUED UNDER 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.

(B) STAY OF ORDER.

AN APPEAL UNDER THIS SECTION DOES NOT STAY AUTOMATICALLY THE ORDER FROM WHICH THE APPEAL IS TAKEN.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth through seventh sentences of former Article 43, § 698(c).

The eighth sentence of former Article 43, § 698(c), which referred to the test a court should use to determine whether a stay should be granted, is deleted as unnecessary in light of the traditional judicial tests for a stay and Rule B6 of the Maryland Rules of Procedure. This deletion is called to the attention of the General Assembly.

2-608. DEPARTMENT TO SECURE COMPLIANCE.

(A) ACTION REQUIRED WITHIN 1 YEAR.

WITHIN 1 YEAR AFTER THE DEPARTMENT ISSUES A SHOW CAUSE ORDER OR A CORRECTIVE ORDER, THE DEPARTMENT SHALL TAKE FINAL ACTION AND ATTEMPT TO SECURE COMPLIANCE WITH ANY FINAL ORDER. IF THE DEPARTMENT HAS NOT SECURED COMPLIANCE WITHIN THIS PERIOD, THE DEPARTMENT SHALL TAKE IMMEDIATE STEPS TO SEEK ENFORCEMENT UNDER § 2-609 OF THIS SUBTITLE.

(B) ACTION PERMITTED WITHIN 1 YEAR.

NOTHING IN THIS SECTION PROHIBITS THE DEPARTMENT FROM BRINGING AN ACTION UNDER § 2-609 OF THIS SUBTITLE WITHIN 1 YEAR AFTER THE DEPARTMENT ISSUES A SHOW CAUSE ORDER OR A CORRECTIVE ORDER UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first through the third sentences of former Article 43, § 698(e).