

Administrative Procedure Act is new language added to clarify that the Department may summarily take action against the licensee or registrant under certain circumstances. See Article 41, § 250A(c) of the Code.

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

Subsection (c) of this section includes only those provisions that appear to add to the provisions of the Administrative Procedure Act. Thus, the third sentence of former Article 43, § 168, which included the language "present such evidence to the Department as he deems fit", "after hearing all the testimony", and "the Department shall decide the question in such a manner as to it appears just and right", is deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

4-325. JUDICIAL REVIEW.

(A) IN GENERAL.

ANY LICENSEE OR REGISTRANT AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT UNDER § 4-323 OF THIS SUBTITLE MAY TAKE A JUDICIAL APPEAL.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE APPEAL SHALL BE MADE IN ACCORDANCE WITH THIS SECTION AND THE PROVISIONS FOR JUDICIAL REVIEW OF FINAL DECISIONS IN CONTESTED CASES IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) EFFECT OF JUDICIAL REVIEW.

THE DECISION OF THE CIRCUIT COURT ON AN APPEAL BROUGHT UNDER THIS SECTION IS FINAL AND MAY NOT BE APPEALED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 169.

The former reference to appealing an adverse decision by writ of certiorari to certain circuit courts and to the Baltimore City Court is deleted