

the board of license commissioners, the court shall order that the additional evidence be taken before the board of license commissioners upon such conditions as the court deems proper; and the case shall forthwith be remanded to the board of license commissioners for the taking of such additional testimony. In cases in which the additional evidence is taken before the board of license commissioners, the said board of license commissioners may modify or reverse its previous findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence together with any modifications or new findings or decision, and the court may reverse or modify the decision (or modified decision) of the board of license commissioners or remand the proceedings to the board of license commissioners if the court should determine that the substantial rights of any party appealing, whether petitioners for a license or objectors to the issuance of a license or any licensee appealing from the decision of the board, may have been prejudiced. [because the findings, inferences, conclusions or decisions of the said board were:

(A) In violation of constitutional provisions;

(B) In excess of the statutory authority or jurisdiction of the agency; or

(C) Made upon unlawful procedure; or

(D) Affected by other error of law;
or

(E) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or

(F) Against the weight of competent, material and substantial evidence in view of the entire record, as submitted by the agency and including additional evidence taken in open court; or

(G) Unsupported by the entire record, as submitted by the agency and including additional evidence taken in open court; or

(H) Arbitrary or capricious.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

Approved June 1, 1982.
