

the State Department in any matter relating to the issue, revocation or suspension of a license under this subtitle, or failure of the State Department to act in any such matter, shall have a right of appeal to the circuit court of the county in which any such institution, agency, society or person authorized to make a placement has its principal office or residence, as the case may be[, or to any court of Baltimore City having equity jurisdiction, if such office or residence is in Baltimore City]. The State Department may be a party in any such appeal.

(C) After hearing the evidence in the case, the court shall render a decision either upholding, reversing or amending the decision of the State Department. If the court shall find that the decision of the State Department complained of is based upon a rule or regulation promulgated by the State Department in the administration of this subtitle, and that such rule or regulation as applied to the particular facts in the case at issue, is unreasonable, arbitrary or capricious, the court may then declare that rule or regulation to be inapplicable in the case at bar and render its decision accordingly.

(D) From the decision of the trial court, a further right of appeal shall lie to the Court of Special Appeals, at the instance of either party, during the time allowed and according to the general practice for appeals in equity cases.

(E) An appeal taken as provided in this section, either to a trial court or to the Court of Special Appeals, shall operate to stay any criminal prosecution of a licensee for operation, pending a final decision in the case appealed from and also to suspend the operation of any injunction for operating without a license, pending a final disposition of such appeal. While the matter is pending before a court, the care, custody and control of a person or persons under eighteen years of age exercised by the institution, agency, society or person authorized to make a placement aggrieved by the decision of the State Department, shall be in the discretion of the court.

28.

The Director of the State Department of Social Services may by petition seek to enjoin the activities and operations of any institution, agency, society, individual, or set of individuals seeking to carry on the functions licensed by this subtitle, without having secured the required license. Such petition for an injunction shall be brought before the circuit court, sitting in equity, in any county in which the alleged violator is located or has an established place of business [or before one of the circuit courts of the Supreme Bench of Baltimore City, if the alleged violator is located or has an established place of business in Baltimore City].