

that which was only implied by former Article 59, § 65(7).

Subsection (b) of this section, which is based on the second sentence of former Article 59, § 67(b), is rephrased in the standard language used to state fundamental requirements of fairness. The Department indicates that the former reference to "§ 250 of Article 41" is erroneous and that the Department provides a hearing in instances of suspension or revocation. The introductory language, "except as otherwise provided in the Administrative Procedure Act," clarifies that the Secretary may take action summarily against a person under certain circumstances. See Article 41, § 250A(c) of the Code. See also revisor's note to § 10-524 of this subtitle.

Defined terms: "License" § 10-514
"Secretary" § 1-101

10-524. ADMINISTRATIVE AND JUDICIAL REVIEW.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW;
AND

(2) TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT TO THE CIRCUIT COURT FOR THE COUNTY WHERE THE PRIVATE GROUP HOME IS LOCATED OR PLANNED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Article 59, § 69.

In the introductory clause of this section, reference to a "contested case" is added to conform to the Administrative Procedure Act, which provides a right of judicial review of an agency decision in a "contested case".

The former reference to the "Baltimore City Court" is deleted as unnecessary.

The third sentence of former Article 59, § 69, which provided for appeals to the Court of Special Appeals, is deleted because the Administrative Procedure Act provides for these appeals.