

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 252A(a).

This section is revised to state expressly that the "agency" has a duty to "make a record".

In item (2) of this section, the phrase "or considered", which formerly modified the word "evidence", is deleted to conform to § 10-209 of this subtitle, which provides that an agency may not consider any fact that is not offered into evidence and made a part of the record.

In item (3) of this section, the word "fact" is substituted for the former word "matters", to conform to § 10-208(g) of this subtitle.

In item (4) of this section, the word "individual" is substituted for the former language "hearing officer or any other member of the agency", for brevity.

Item (8) of this section is revised to state expressly that a proposed finding or conclusion may be made by a party or a hearing officer. Therefore, in item (9) of this section, the phrase "to a finding ... proposed by a hearing officer" is added to modify the word "exception", for clarity.

In item (10) of this section, the references to a "ruling by or for the agency" and related reports and opinion are substituted for the former, separate references to "intermediate and final rulings" and to the "decision ... by officer presiding at the hearing", since the record is not limited to rulings of officer at the hearing, who may not be authorized by law to decide the contested case.

Defined terms: "Agency" § 10-201
"Contested case" § 10-201
"Includes"; "including" § 1-101

10-211. TRANSCRIPTION OF PROCEEDINGS.

ALL OR PART OF PROCEEDINGS IN A CONTESTED CASE SHALL BE TRANSCRIBED IF ANY PARTY:

- (1) REQUESTS THE TRANSCRIPTION; AND
- (2) PAYS ANY REQUIRED COSTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 252A(b).