

## 4-330. JUDICIAL REVIEW.

## (A) IN GENERAL.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A CONTESTED CASE, AS DEFINED IN § 10-201 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

## (B) STAY OF DECISION.

ON THE FILING OF A BOND BY A LICENSEE AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, A COURT MAY GRANT A STAY OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF THE LICENSEE.

## (C) BOND REQUIREMENTS.

(1) THE COURT MAY SET THE BOND REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IN ANY AMOUNT NOT EXCEEDING \$50,000.

(2) THE BOND SHALL BE CONDITIONED FOR THE USE AND BENEFIT OF ANY PERSON WHO, AS A MEMBER OF THE PUBLIC, MIGHT SUSTAIN PECUNIARY LOSS BECAUSE OF ANY VIOLATION OF THIS TITLE BY THE LICENSEE.

SUBCOMMITTEE COMMENT: Subsection (a) of this section, which is substituted for the third sentence of former Art. 56, § 225(c), is standard language used throughout this article to provide for judicial review.

Subsections (b) and (c)(2) of this section are new language derived without substantive change from the fourth and fifth sentences of former Art. 56, § 225(c), except the reference in the fifth sentence to the amount of the bond.

Subsection (c)(1) of this section is new language substituted for the reference in the fourth sentence of former Art. 56, § 225(c) to filing a bond not to exceed "\$25,000". On the recommendation of the Joint Subcommittee on the Business Occupations Article the limit on the bond is raised to \$50,000.

The introductory phrase of subsection (a) of this section conforms to SG § 10-215, which provides a right of judicial review of any "final decision" of an agency in a "contested case". A situation is a contested case if a party has a right to a hearing (see the definition of "contested case" in SG § 10-201(c)).

Defined terms: "Commission" § 4-101