

Defined term: "Board" § 5-101

5-209. JUDICIAL REVIEW.

ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD 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.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of former Art. 56, § 504.

The reference to "a final decision of the Board in a contested case ..." is substituted for the former reference to "any action of the Board relating to licenses" to conform to SG § 10-215. 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)).

The second clause of former Art. 56, § 504, which provided that, absent an appeal, "the action of the Board shall be final", is deleted as surplusage.

Defined terms: "Board" § 5-101
"Person" § 1-101

5-210. AUTHORITY OF SECRETARY.

THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO THE AUTHORITY OF THE SECRETARY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 496.

The former reference that narrowly limited the Secretary's authority to the powers and duties of the Board "vested ... by the provisions of this subtitle" is deleted as misleading. Presumably, the powers and duties of the Board wherever codified are to be subject to the authority of the Secretary.

As to the authority of the Secretary, see, in particular, Art. 41, §§ 8-101 through 8-106 of the Code.

Defined terms: "Board" § 5-101
"Secretary" § 1-101

SUBTITLE 3. LICENSES.

5-301. LICENSE REQUIRED; EXCEPTIONS.