

7-312. 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 ninth sentence of former Art. 56, § 317.

The reference to "a final decision ... in a contested case ..." is substituted for the former reference to revocation of a license, to conform 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)).

The specific provisions for venue where the appellant "resides" or, for nonresidents, in Anne Arundel County are deleted in deference to the broader provisions under SG § 10-215(b), which provide for venue where any party resides or has a principal place of business.

The tenth sentence of former Art. 56, § 317, which explicitly limited the basis of a decision of the reviewing court to the record made before the Board, is deleted in deference to the provisions of SG § 10-215, which allow a party "to offer testimony on alleged irregularities in procedures before the agency that do not appear on the record".

Defined terms: "Board" § 7-101
"Person" § 1-101

7-313. REINSTATEMENT OF REVOKED LICENSE.

(A) IN GENERAL.

SUBJECT TO ANY REGULATION THAT THE BOARD ADOPTS, THE BOARD MAY REINSTATE A LICENSE THAT HAS BEEN REVOKED.

(B) CONDITIONS.

A LICENSE MAY BE REINSTATED UNDER THIS SECTION ONLY ON:

(1) THE BASIS OF EVIDENCE SUBMITTED TO THE BOARD AFTER THE REVOCATION AND NOT AVAILABLE, BEFORE THE REVOCATION, TO THE INDIVIDUAL SEEKING REINSTATEMENT;