

3-210. JUDICIAL REVIEW.

(A) IN GENERAL.

ANY PERSON AGGRIEVED BY ANY FINAL ACTION OF THE BOARD MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

(B) RIGHT OF BOARD TO APPEAL.

THE BOARD MAY APPEAL FROM A DECISION OF THE CIRCUIT COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 474.

In subsection (a) of this section, the former specific provisions for venue where the appellant "resides or has his principal place of business" 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.

In subsection (b) of this section, the former specific right of appeal by "[a]ny such person" is deleted as unnecessary.

Subsection (a) of this section is broader in scope than comparable provisions in other titles of this article. The standard language used in those comparable provisions allows an appeal from "a final decision of the Board in a contested case, as defined in § 10-201 of the State Government Article". SG § 10-201 defines "contested case" to mean a proceeding before an agency to make certain determinations "only after an opportunity for an agency hearing." Former Art. 56, § 474 allowed appeals from "a final decision of the Board denying, suspending, revoking, or refusing to renew a license, or ... [from] any other final action of the Board" and, thus, included proceedings where there is not an opportunity for a hearing and that, therefore, do not fall within the definition of "contested case". Consequently, the revision retains the broad right of appeal from "any final action of the Board," rather than limiting appeals to contested cases.

Defined terms: "Board" § 3-101  
"Person" § 1-101

3-211. AUTHORITY OF SECRETARY.

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