

(c) The [agency] FINAL DECISION MAKER promptly shall deliver or mail a copy of the final decision or order to:

- (1) each party; or
- (2) the party's attorney of record.

[10-215.] 10-222. JUDICIAL REVIEW.

(a) (1) A party who is aggrieved by the final decision in a contested case is entitled to judicial review of the decision as provided in this section.

(2) AN AGENCY, INCLUDING AN AGENCY THAT HAS DELEGATED A CONTESTED CASE TO THE OFFICE, IS ENTITLED TO JUDICIAL REVIEW OF A DECISION AS PROVIDED IN THIS SECTION IF THE AGENCY:

- (I) IS AGGRIEVED BY THE FINAL DECISION; AND
- (II) WAS A PARTY BEFORE THE AGENCY OR THE OFFICE.

(B) WHERE THE PRESIDING OFFICER HAS FINAL DECISION-MAKING AUTHORITY, A PERSON IN A CONTESTED CASE WHO IS AGGRIEVED BY AN INTERLOCUTORY ORDER IS ENTITLED TO JUDICIAL REVIEW IF:

(1) THE PARTY WOULD QUALIFY UNDER THIS SECTION FOR JUDICIAL REVIEW OF ANY RELATED FINAL DECISION;

(2) THE INTERLOCUTORY ORDER:

- (I) DETERMINES RIGHTS AND LIABILITIES; AND
- (II) HAS IMMEDIATE LEGAL CONSEQUENCES; AND

(3) POSTPONEMENT OF JUDICIAL REVIEW WOULD RESULT IN IRREPARABLE HARM.

DRAFTER'S NOTE: Subsection (b) is intended to codify the Court of Appeals decision in Holiday Spas v. Montgomery County Human Relations Commission, 315 Md. 390 (1989).

[(b)](C) [A] UNLESS OTHERWISE REQUIRED BY STATUTE, A petition for judicial review shall be filed with the circuit court for the county where any party resides or has a principal place of business.

[(c)](D) (1) The court may permit any other interested person to intervene in a proceeding under this section.

(2) IF THE AGENCY HAS DELEGATED TO THE OFFICE THE AUTHORITY TO ISSUE THE FINAL ADMINISTRATIVE DECISION PURSUANT TO § 10-205(A)(2), AND THERE ARE 2 OR MORE OTHER PARTIES WITH ADVERSE INTERESTS REMAINING IN THE CASE, THE AGENCY MAY DECLINE TO PARTICIPATE IN THE JUDICIAL REVIEW. AN AGENCY THAT DECLINES TO PARTICIPATE SHALL INFORM THE COURT IN ITS INITIAL RESPONSE.