

(2) A RECORD THAT IS PROTECTED FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE MAY BE USED AS EVIDENCE IN A HEARING ONLY IF:

(I) THE MATERIAL IS ESSENTIAL TO THE CONDUCT OF THE HEARING; AND

(II) NAMES AND OTHER IDENTIFYING INFORMATION ARE DELETED TO THE EXTENT NECESSARY TO MAINTAIN CONFIDENTIALITY.

(E) WRITTEN DECISION.

AS SOON AS PRACTICABLE AFTER A HEARING, THE SECRETARY OR THE GOVERNOR'S DESIGNEE SHALL ISSUE A WRITTEN DECISION THAT INCLUDES THE REASONS FOR THE DECISION.

(F) RELIEF TO PREVAILING COMPLAINANT AT HEARING.

A COMPLAINANT WHO PREVAILS AT A HEARING MAY BE AWARDED ANY APPROPRIATE RELIEF, INCLUDING:

(1) BACK PAY, LEAVE, PROMOTION, AND SENIORITY; AND

(2) COSTS OF LITIGATION AND REASONABLE ATTORNEY'S FEES.

(G) JUDICIAL REVIEW.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COMPLAINANT OR APPOINTING AUTHORITY MAY APPEAL THE DECISION ISSUED UNDER SUBSECTION (E) OF THIS SECTION IN ACCORDANCE WITH §§ 10-215 AND 10-216 OF THE STATE GOVERNMENT ARTICLE.

(2) THE APPEAL SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE VIOLATION ALLEGEDLY OCCURRED.

(3) IN ADDITION TO ANY OTHER APPROPRIATE RELIEF, THE CIRCUIT COURT MAY AWARD COSTS OF LITIGATION AND REASONABLE ATTORNEY'S FEES TO A PREVAILING COMPLAINANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 12-1.

Subsection (e) of this section is rephrased in the active voice to clarify who must issue the written decision. As to the Secretary's power to delegate hearing and decision making authority, see Title 2, Subtitle 3 of this article.

In subsection (g)(1) of this section, the phrase "[e]xcept as provided in paragraph (2) of this subsection" is added to clarify the apparent intent that the specific venue provisions of former Art. 64A, § 12-1(c) control appeals under this section, instead of the general provisions of the State Government Article. Section 10-215(b) of the State Government Article provides for