

Defined terms: "Correctional facility" § 1-101

"Office" § 10-201

"Person" § 1-101

"Secretary" § 1-101

10-209. DISPOSITION; REVIEW BY SECRETARY.

(A) ORDER.

(1) PROMPTLY AFTER THE HEARING ON A COMPLAINT, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE A DECISION IN THE FORM OF AN ORDER.

(2) THE ORDER SHALL INCLUDE A STATEMENT OF THE FINDINGS OF FACT, THE CONCLUSIONS OF LAW, AND THE DISPOSITION OF THE COMPLAINT UNDER SUBSECTION (B) OF THIS SECTION.

(B) TYPES OF DISPOSITION.

(1) (I) IF THE OFFICE OF ADMINISTRATIVE HEARINGS DISMISSES THE COMPLAINT AS WHOLLY LACKING IN MERIT, IT PROMPTLY SHALL FORWARD AN ORDER OF DISMISSAL TO THE COMPLAINANT.

(II) THE ORDER OF DISMISSAL CONSTITUTES THE FINAL DECISION OF THE SECRETARY FOR PURPOSES OF JUDICIAL REVIEW.

(2) IF THE OFFICE OF ADMINISTRATIVE HEARINGS CONCLUDES THAT THE COMPLAINT IS WHOLLY OR PARTLY MERITORIOUS, IT PROMPTLY SHALL FORWARD A PROPOSED ORDER TO THE SECRETARY.

(C) REVIEW BY SECRETARY.

(1) WITHIN 15 DAYS AFTER RECEIVING A PROPOSED ORDER UNDER SUBSECTION (B)(2) OF THIS SECTION, THE SECRETARY SHALL ISSUE AN ORDER AFFIRMING, REVERSING, OR MODIFYING THE ORDER OF THE OFFICE OF ADMINISTRATIVE HEARINGS.

(2) THE SECRETARY MAY TAKE ANY ACTION THE SECRETARY CONSIDERS APPROPRIATE IN LIGHT OF THE FINDINGS OF THE OFFICE OF ADMINISTRATIVE HEARINGS, INCLUDING ORDERING THE APPROPRIATE OFFICIAL TO ACCEPT AS A WHOLE OR IN PART THE RECOMMENDATION OF THE OFFICE OF ADMINISTRATIVE HEARINGS.

(3) (I) THE SECRETARY'S ORDER SHALL BE FORWARDED PROMPTLY TO THE COMPLAINANT.

(II) THE SECRETARY'S ORDER CONSTITUTES THE FINAL DECISION FOR PURPOSES OF JUDICIAL REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 41, § 4-102.1(e).

In subsection (a)(1) of this section, the phrase "on a complaint" is added to state expressly that which was only implied in the former law.