

(D) REQUEST FOR REVIEW BY BOARD.

A PERSON NEED NOT FILE A REQUEST FOR AN INFORMAL REVIEW UNDER THIS SECTION BEFORE REQUESTING REVIEW UNDER § 5-312 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36E(h).

In subsections (b)(1) and (c) of this section, the references to a "person who requested the informal review" is substituted for the former reference to an "applicant" for clarity. Similarly, in subsection (d) of this section, the reference to a "person" is substituted for the former reference to an "applicant" to conform to the terminology used in this section.

In subsection (b)(2) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article", which governs contested administrative hearings, is substituted for the former reference to the "Administrative Procedure Act" for clarity and consistency with § 5-312(e) of this subtitle.

In subsection (d) of this section, the reference to a person not needing to "request ... an informal review ... before requesting review under § 5-312 of this subtitle" is substituted for the former references to the "[i]nstitution of proceedings under this section" and the "institution of proceedings under subsection (h) of this section" for consistency with subsection (a) of this section and § 5-312(a) of this subtitle.

Also in subsection (d) of this section, the former phrase "within the discretion of the applicant" and the former reference to a "condition precedent" are deleted as included in the reference that a person "need not" take certain action.

Defined terms: "Permit" § 5-301

"Person" § 1-101

"Secretary" § 5-301

5-312. ACTION BY BOARD.

(A) REQUEST FOR REVIEW AUTHORIZED.

(1) A PERSON WHO IS DENIED A PERMIT OR RENEWAL OF A PERMIT OR WHOSE PERMIT IS REVOKED OR LIMITED MAY REQUEST THE BOARD TO REVIEW THE DECISION OF THE SECRETARY BY FILING A WRITTEN REQUEST WITH THE BOARD WITHIN 10 DAYS AFTER RECEIPT OF WRITTEN NOTICE OF THE SECRETARY'S FINAL ACTION.

(2) A PERSON WHOSE APPLICATION FOR A PERMIT OR RENEWAL OF A PERMIT IS NOT ACTED ON BY THE SECRETARY WITHIN 90 DAYS AFTER SUBMITTING THE APPLICATION TO THE SECRETARY MAY REQUEST A HEARING BEFORE THE BOARD BY FILING A WRITTEN REQUEST WITH THE BOARD.

(B) FORM OF REVIEW.