

WITHIN 90 DAYS AFTER RECEIVING A REQUEST TO REVIEW A DECISION OF THE SECRETARY, THE BOARD SHALL:

- (1) REVIEW THE RECORD DEVELOPED BY THE SECRETARY; OR
 - (2) CONDUCT A HEARING.
- (C) EVIDENCE.

THE BOARD MAY RECEIVE AND CONSIDER ADDITIONAL EVIDENCE SUBMITTED BY A PARTY IN CONDUCTING A REVIEW OF THE DECISION OF THE SECRETARY.

- (D) DECISION BY BOARD.

(1) BASED ON THE BOARD'S CONSIDERATION OF THE RECORD AND ANY ADDITIONAL EVIDENCE, THE BOARD SHALL SUSTAIN, REVERSE, OR MODIFY THE DECISION OF THE SECRETARY.

(2) IF THE ACTION BY THE BOARD RESULTS IN THE DENIAL OF A PERMIT OR RENEWAL OF A PERMIT OR THE REVOCATION OR LIMITATION OF A PERMIT, THE BOARD SHALL SUBMIT IN WRITING TO THE APPLICANT OR THE HOLDER OF THE PERMIT THE REASONS FOR THE ACTION TAKEN BY THE BOARD.

- (E) ADMINISTRATIVE PROCEDURES.

(1) ANY HEARING AND ANY SUBSEQUENT PROCEEDINGS OF JUDICIAL REVIEW SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY NOT ORDER THE ISSUANCE OR RENEWAL OF A PERMIT OR ALTER A LIMITATION ON A PERMIT PENDING A FINAL DETERMINATION OF THE PROCEEDING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36E(i)(2), (3), and (4).

In subsection (d)(2) of this section, the reference to an "applicant or the holder of the permit" is substituted for the former reference to "that person" for clarity.

In subsection (e)(2) of this section, the former reference to a court "of this State" is deleted as implicit.

The Public Safety Article Review Committee notes, for the consideration of the General Assembly, that in subsection (a)(2) of this section there is no time period stated within which a written request for a hearing before the Board must be made if the Secretary has not acted on an application for a permit or renewal of a permit.

Defined terms: "Board" § 5-301

"Permit" § 5-301

"Person" § 1-101

"Secretary" § 5-301