

(b) (1) The Board shall hear and determine any appeal from a decision of the Secretary or any unit in the Department if:

(i) The decision is the adoption of a rule, as defined by the Administrative Procedure Act in Title 10 of the State Government Article;

(ii) The appeal is subject to judicial review under the Administrative Procedure Act in §§ 10-125 and 10-128 of the State Government Article; and

(iii) The challenge to the decision is based on one of the grounds set forth in the Administrative Procedure Act in §§ 10-125 and 10-128 of the State Government Article.

(2) By rule or regulation, the Secretary may require that the Board hear and determine appeals from those decisions, actions, or inactions of any unit in the Department for which review is provided by the rule or regulation.

(c) The Board shall report at least annually to the Secretary. Its report shall include a summary by categories of appeals heard and determinations made.

(d) A Board member may not participate in any determination or vote in any proceeding in which the member has a direct or indirect private interest.]

[2-506.

(a) If any person is aggrieved by any decision, action, or inaction on the part of the Secretary or of any unit in the Department for which an appeal to the Board is provided by this subtitle, the person is entitled to appeal within the period that the Board establishes by regulation.

(b) Before commencement of an appeal, the person aggrieved shall make known the basis of the complaint to the individual responsible for the decision, action, or inaction complained of, together with a request for review. If, within 30 days of the request, a resolution satisfactory to the complainant does not occur, the complainant may file a statement of complaint in accordance with subsection (c) of this section.

(c) Within the period established by the Board, the complainant shall file a detailed written statement of the complaint and all relevant facts and circumstances with the chief executive officer of the Department or unit in the Department to which application for review is made. If there is no chief executive officer, the statement shall be filed with any member of the unit's governing body. The complaint shall be acknowledged promptly in writing, and a copy of the complaint and acknowledgment shall be sent to the Secretary.