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§2–207.

(a) If any person is aggrieved by a decision of the Secretary that is subject to review by the Board under § 2–206(c)(1) of this subtitle, that person is entitled to appeal as provided in this section.

(b) Any appeal authorized by this subtitle must be filed with the Board within 30 days after the date of the decision from which the appeal is being taken.

(c) (1) The Board shall adopt procedural rules and regulations as provided in the Administrative Procedure Act and in all respects shall be governed by that Act. At least 3 members shall sit at each hearing of the Board when it sits as a board of appeal. Decisions shall be by a majority of the members sitting, shall be in writing, and shall state the Board's reasons. The Board shall keep minutes of its proceedings.

(2) A decision of the Board is a final agency decision for purposes of judicial review under the Administrative Procedure Act.

(3) A party aggrieved by a decision of the Secretary need not exhaust the administrative remedy before the Board as provided in this section and may petition for judicial review of the Secretary's decision as a final agency decision under the Administrative Procedure Act.

(4) If the Board does not issue a decision within 180 days after submission of the notice of appeal, the decision of the Secretary shall be considered affirmed.

(d) (1) As to any issue for which the taking of evidence is authorized, the chairman or the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of evidence.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on the petition of the chairman or acting chairman, a court of competent jurisdiction may compel obedience to the order or subpoena or compel testimony or the production of evidence.

(e) (1) Any party may seek an appeal from a decision of the Board.

(2) Appeals from a decision of the Board shall be governed by the Administrative Procedure Act.

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