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§10–216.

(a) (1) In the case of a single decision maker, if the final decision maker in a contested case has not personally presided over the hearing, the final decision may not be made until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions with the agency to the proposed decision; and

(ii) present argument to the final decision maker that the proposed decision should be affirmed, reversed, or remanded.

(2) In the case of a decision-making body, if a majority of the officials who are to make a final decision in a contested case have not personally presided over the hearing, the officials may not make the final decision until each party is given notice of the proposed decision in accordance with § 10-220 of this subtitle and an opportunity to:

(i) file exceptions to the proposed decision with the agency; and

(ii) present argument to a majority of the officials who are to make the final decision.

(3) If a party files exceptions or presents argument under paragraph (1) or (2) of this subsection, the official or officials who are to make the final decision shall:

(i) personally consider each part of the record that a party cites in its exceptions or arguments before making a final decision; and

(ii) except as otherwise provided by law or by agreement of the parties, make the final decision within 90 days after the exceptions are filed or the argument is presented, whichever is later.

(b) The final decision shall identify any changes, modifications, or amendments to the proposed decision and the reasons for the changes, modifications, or amendments.

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