

immediately affected by any such order or refusal and who is aggrieved thereby may, within thirty (30) days after (i) the order has been mailed or delivered to the persons entitled to receive the same, or (ii) the Commissioner's order denying rehearing or re-argument has been so mailed or delivered, or (iii) the Commissioner's refusal to grant a hearing, appeal from such order on hearing or such refusal of a hearing. The appeal shall be taken to the Baltimore City Court, by filing written notice of appeal in such court and by filing a copy of such notice with the Commissioner; except, that in appeals from the suspension or revocation of the certificate of authority of a domestic insurer or of the license of an agent, broker, solicitor, adjuster, or adviser, the person taking the appeal may, at his option, in lieu of the Baltimore City Court, take the appeal to the Circuit Court of the county of Maryland in which the insurer has its principal place of business or the licensee resides.

(2) Upon filing of the notice of appeal therein the court shall have full jurisdiction, and shall determine whether such filing shall operate as a stay of the order or action appealed from, except that in the following instances the filing of the notice of appeal shall automatically stay the order appealed from pending the judgment of the court on the appeal:

(i) Appeal from suspension or revocation of the license of an agent, broker, ~~solicitor~~, adjuster, or adviser.

(ii) Appeal from suspension or revocation of the certificate of authority of an insurer.

(3) Within twenty (20) days after filing of the copy of the notice of appeal in his office, the Commissioner shall make and return to the court in which the appeal is pending a copy of his order appealed from and a full and complete transcript, duly certified by the Commissioner, of the record upon which the order was issued, together with all exhibits and documentary evidence introduced thereat. If the appeal is from an action of the Commissioner with respect to which a hearing was refused, the Commissioner shall within such twenty (20) day period make and return to the court a full and complete transcript, duly certified by him, of all documents on file in his office directly relating to the matter as to which such appeal is taken.

(4) Upon receipt of such transcripts and evidence the court shall hear the matter de novo as soon as reasonably possible thereafter. Upon the hearing of the appeal the court shall consider the evidence contained in the transcript, exhibits, and documents therein filed by the Commissioner, together with such additional evidence as may be offered by any party to the appeal.

(5) The court may affirm the decision of the Commissioner or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(i) In violation of constitutional provisions; or

(ii) In excess of the statutory authority or jurisdiction of the Commissioner; or

(iii) Made upon unlawful procedure; or