

thereto. The complaint shall be filed with the chief executive officer of the department or other agency to which application for review is made, if there be one, but if there be none, then with any member of its governing body. Receipt of such complaint shall be promptly acknowledged in writing and a copy transmitted to the Secretary of Employment and Social Services. The department or other agency shall then proceed to investigate the complaint. Subject to such extensions of time as the parties may agree upon, a decision shall be rendered in writing and a copy thereof sent to the complainant within thirty (30) days of the filing of the complaint. A record shall be kept of all complaints and their disposition which shall be open to public inspection during regular business hours.

(2) A party aggrieved by an adverse decision or action or failure to take action within the time prescribed by subsection (1) of this section may file an appeal to the board of review of the Department of Employment and Social Services. The board shall adopt procedures as provided in the Administrative Procedure Act, § 244 et seq. of this article and shall in all other respects be governed by the provisions of said act. At least five members shall sit at any hearing of the board, constituted as a board of appeal. Decisions shall be by a majority of the board sitting. The board's decision shall be in writing, stating its reasons. Minutes of its proceedings shall be kept. The chairman, or acting chairman, shall have the power to administer oaths and compel the attendance of witnesses. Unless a decision is not subject to review by the board, the decision of the board shall be the final agency decision for purposes of judicial review under § 255 of this article or for purposes of any other provision of law permitting appeals to the courts from decisions of agencies included within the Department of Employment and Social Services. Appeals from decisions of the board shall be as prescribed in the Administrative Procedure Act or by the substantive law applying to the commission, department, board or other instrumentality whose decision is being appealed.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978. However, the Board of Review of the Department of Employment and Social Services, which is known as the Department of Human Resources, Chapter 382, Laws of Maryland, 1975, shall continue in existence with full authority to hear and decide all appeals properly filed with it on or before July 1, 1978.

Approved May 16, 1978.

CHAPTER 462

(Senate Bill 399)