

Article - Natural Resources
Section 1-107
Annotated Code of Maryland
(1983 Replacement Volume and 1984 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Natural Resources

1-107.

(A) Any person aggrieved by any decision, action, or failure to act on the part of the Secretary or any unit within the Department for which an appeal to the Board of Review of the Department of Natural Resources is provided by § 1-106 of this article, and the rules and regulations adopted pursuant thereto, is entitled to appeal within the period established by rule or regulation of the Board and in the manner set forth below.

(B) Prior to the commencement of an appeal, the person aggrieved shall make known the basis of his complaint to the individual responsible for the decision, action, or nonaction complained of, together with a request for review. If a resolution satisfactory to the person aggrieved has not occurred within 30 days thereafter, the complainant may proceed as follows:

(1) Within the period established by rule or regulation of the Board of Review he shall file a written statement concisely setting forth the nature of the complaint and the relevant facts and circumstances. The complaint shall be filed with the chief executive officer of the unit to which the application for review is made or, if there is no chief executive officer, with any member of the unit's governing body. If the individual responsible for the decision is the chief executive officer of the unit, it is not necessary to follow the procedures prescribed in this paragraph. Receipt of the complaint shall be promptly acknowledged in writing and a copy transmitted to the Secretary. The unit shall investigate the complaint. Subject to extensions of time on which the parties agree, a decision shall be rendered in writing and a copy sent to the complainant within 30 days of the filing of the complaint. A record shall be kept of all complaints and their disposition. The record shall be open to public inspection during regular business hours.

(2) A party aggrieved by an adverse decision, action, or failure to take action within the time prescribed by this section may file an appeal to the Board of Review of the Department of Natural Resources.

(C) IN CASES WHERE THE APPEAL TO THE BOARD IS FROM A DECISION BY A UNIT OR OFFICIAL IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, THE BOARD SHALL HEAR THE APPEAL