

Bill No. 52-15  
Concerning: Administrative Procedures –  
Summary Decision  
Revised: 2-2-16 Draft No. 5  
Introduced: December 8, 2015  
Enacted: February 2, 2016  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the request of the Hearing Examiner

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**AN ACT** to:

- (1) revise the Administrative Procedures Act to allow a summary decision without an evidentiary hearing ; and
- (2) generally amend the law governing administrative procedures.

By amending

Montgomery County Code  
Chapter 2A, Administration  
Section 2A-7

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 2A-7 is amended as follows:**

2   **2A-7. Pre-hearing procedures.**

3   \*    \*    \*

4           (d)   Summary Decision. Any party may file a motion for summary decision  
5                   at least ~~[[20]] 30~~ days before the date of a hearing. The hearing authority  
6                   may grant summary decision if the hearing authority finds that:

7                   (1)   there is no genuine issue of material fact to be decided at the  
8                                   hearing; and

9                   (2)   the moving party is entitled to prevail as a matter of law.

10                   The hearing authority must give all other parties at least 10 days to  
11                   respond to the motion for summary decision before deciding the motion.

12                   The hearing authority may permit oral argument on the motion.

13           (e)   Restrictions on data. Unless a matter has been formally certified for  
14                   hearing by the hearing authority, government documents or records shall  
15                   not be subject to these provisions. In the event a matter is certified for  
16                   hearing by the hearing authority, any documents or records not to be used  
17                   at the hearing shall not be subject to the provisions of this chapter.  
18                   Further, any matter or materials which are designated by law as  
19                   confidential shall not be released without a waiver of the parties to the  
20                   confidentiality.

23

24 *Approved:*

25 *Nancy Floreen* *February 3, 2016*  
Nancy Floreen, President, County Council Date

26 *Approved:*

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Isiah Leggett, County Executive Date

28 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date

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