

Circuit Court for Montgomery County
Case No. C-15-CV-22-003284

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1614

September Term, 2022

IN THE MATTER OF SAEED PARKER

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 28, 2023

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

Following an investigation, the Montgomery County Department of Health and Human Services (DHHS) found Saeed Parker, appellant, responsible for indicated child sexual abuse. That finding was affirmed by the Office of Administrative Hearings (OAH) in a written order dated and mailed to the parties on July 6, 2021. On September 6, 2022, appellant filed a pleading in the circuit court which was docketed as a petition for judicial review. The pleading contained the OAH case number and listed appellant as the “plaintiff” and Child Welfare Services and the OAH as “defendants.” The pleading further stated “complaint I want to sue and put [sic] compensation for two offices of Montgomery County as above. CWS accused me with a fake document that I did not commit. The second office with a lot of mistakes on her judgement [sic] to cover and support the first office.” Attached to the pleading were a number of exhibits from the underlying investigation, as well as the final written order issued by the OAH. DHHS filed an answer and a motion to dismiss the petition for judicial review as untimely filed. Appellant did not file a response, and the court granted the motion, ordering that the “petition for judicial review be, and is hereby dismissed as untimely filed pursuant to Md. Rule 2-703(a).” This appeal followed.

On appeal, appellant contends that the court erred in granting the motion to dismiss because he “sued two offices, not appealed” but the court “judged [the pleading] as an appeal.”¹ In other words, appellant appears to claim that he intended to file a civil

¹ In his brief, appellant also challenges the merits of the DHHS investigation and the OAH’s decision. However, because we conclude that the circuit court properly dismissed appellant’s pleading as an untimely petition for judicial review, the merits of that petition are not properly before us in this appeal.

complaint rather than a petition for judicial review. However, appellant did not object to the pleading being treated as a petition for judicial review either after it was docketed as such, or after DHHS filed its motion to dismiss. Moreover, in the absence of such an objection we cannot say that the court erred in construing the pleading as a petition for judicial review as it contained the OAH case number on the front page, generally challenged the decision of the OAH, and did not set forth any facts or cognizable causes of action.² And having properly construed the pleading as a petition for judicial review, the court also did not err in dismissing it as untimely because it was filed more than more than one year after the OAH issued its decision. *See* Maryland Rule 7-203(a) (stating that a petition for judicial review must be filed within 30 days after the latest of the date of the order of which review is sought or the date the administrative agency sent notice of the order to the petitioner, if notice was required by law).

Finally, appellant asserts that the court improperly “used MD Rule 2-703” in its order dismissing the petition for judicial review because “[t]his Rule applies to claims for attorney[’]s fees allowable by law to a party in an action in a circuit court.” Although appellant is correct about the application of Rule 2-703, it is clear from the context of the court’s order that it intended to cite Rule 7-203(a), which addresses the time within which a petition for judicial review must be filed. And because the circuit court correctly found

² In fact, had the court construed the pleading as a complaint, it would still have been subject to dismissal because it failed to state a cause of action.

that the petition was untimely, this typographical error is harmless and does not require reversal.

**JUDGMENT OF THE CIRCUIT COURT FOR
MONTGOMERY COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**