

Circuit Court for Montgomery County  
Case No.: 486280V

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND\*\*

No. 1795

September Term, 2021

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IN THE MATTER OF PARVIZ IZADJOO

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Kehoe,  
Zic,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Zic, J.

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Filed: January 20, 2023

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

\*\* 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.

Appellant, Parviz Izadjoo, appeals the Circuit Court for Montgomery County’s order affirming the decision of the Maryland National Capital Park and Planning Commission (“M-NCPPC”) Merit Systems Board (“Board”) reclassifying his position within M-NCPPC. Mr. Izadjoo asks this Court one question, which we have rephrased slightly:<sup>1</sup>

Did the Board err by affirming the Human Resources Director’s reclassification of Mr. Izadjoo’s position?

We shall answer Mr. Izadjoo’s question in the negative and affirm the judgment.

### **BACKGROUND**

In 2005, Mr. Izadjoo joined the M-NCPPC as a Project Manager. In December of 2017, Mr. Izadjoo filed a “Request for Reclassification -- Form 48” with M-NCPPC’s Human Resources Director, seeking that his position be reclassified from “Building Maintenance Supervisor” to “Construction Representative Supervisor.” Mr. Izadjoo asserted in part that although he took a voluntary demotion in 2015, he was still “doing the same project management and design work” as he was in his previous position.<sup>2</sup>

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<sup>1</sup> In his brief, Mr. Izadjoo phrases his question presented as follows:

“Did the Board err by affirming the Commission’s decision to reclassify Mr. Izadjoo to Senior Construction Representative, Grade 22, when overwhelming evidence was submitted to the Board which demonstrated egregious errors and omissions by the Commissioner’s auditors, and that Mr. Izadjoo’s work warranted reclassification to a position with a higher level than Grade 22?”

<sup>2</sup> Mr. Izadjoo asserts that he voluntarily accepted a demotion and transferred from M-NCPPC’s Parks Development Division to the Facilities Management Division because he believed he was being discriminated against in the Parks Development Division.

Mr. Izadjoo’s request was not formally received by the Human Resources Director’s Classification and Compensation Unit until December of 2018 because the Construction Representative Supervisor position was, until that time, “actively under review[.]”<sup>3</sup> In November of 2019, M-NCPPC’s Human Resources Director issued a three-page report denying Mr. Izadjoo’s request for reclassification to a Construction Representative Supervisor and instead recommending “that Mr. Izadjoo be converted from a Building Maintenance Supervisor, grade 22 to a Senior Construction Representative, [g]rade 22 with no change in salary.”

The report compared Mr. Izadjoo’s duties and responsibilities to the class definition of each of the three positions: Building Maintenance Supervisor (Mr. Izadjoo’s then-current position), Construction Representative Supervisor (Mr. Izadjoo’s requested position), and Senior Construction Representative (the position recommended by the Human Resources Director). Ultimately, the report listed three conclusions: 1) “Mr. Izadjoo’s duties and responsibilities do not align with the Building Maintenance Supervisor class specification[;]” 2) “Mr. Izadjoo’s duties and responsibilities are not at the complexity level of the Construction Representative Supervisor class specification[;]” and lastly, 3) “Mr. Izadjoo’s duties and responsibilities are more closely aligned with the

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<sup>3</sup> M-NCPPC explains that “[p]eriodically, HR may *sua sponte*, or at the request of a Department Head, conduct a study of an entire job class [] to ensure that the class reflects the current needs and work programs of the Commission, and that all comparable jobs throughout the Commission are in the same grade, and thus paid accordingly to the same pay scale.”

Senior Construction Representative class specification.” Specifically, regarding Mr.

Izadjoo’s then-current position, the report explained that:

The Buildings Maintenance Supervisor “performs supervisory work of average difficulty”. As confirmed by his supervisor, he is not supervising unit staff as per the specification; as an individual contributor, he performs work as an inspector for construction projects. Also, as confirmed by his supervisor, the construction projects that Mr. Izadjoo is assigned to are not related to the “repairs, maintenance and cleaning of park buildings”; he is monitoring and inspecting construction projects. Therefore, this specification is being excluded from consideration.

Further, regarding Mr. Izadjoo’s requested position, the report stated:

The Construction Representative Supervisor specification requires the incumbent to “manage a County-wide construction permitting and inspection work program and unit” and “supervise unit staff[.]” As confirmed by his supervisor, he is not supervising unit staff as per the specification; as an individual contributor, he performs work as an inspector for construction projects[.] Furthermore, the Construction Representative Supervisor specification calls for the incumbent to “manage a full range of construction projects in the role of a construction project manager”. Mr. Izadjoo’s duties and responsibilities are not in the role of a construction project manager. His position monitors and inspects construction projects; which involves reviewing designs and specifications, overseeing construction projects as an inspector; scheduling work, coordinating and preparing reports, assisting trade employees with details on projects[.] Therefore, this specification is being excluded from consideration.

Lastly, regarding the recommended position, the report concluded:

He “monitors and inspects construction for multiple, medium size projects running concurrently or for a single large-scale project”. The projects that he has been involved with are characterized as medium to large capital improvement or major repairs/renovations/rehabilitations. He conducts

periodic site visits to evaluate scope, site conditions, and progress of projects at various park facilities, performs building inspections to evaluate system conditions, effectiveness of routine preventative maintenance and future maintenance needs for park facilities. He “makes field changes to plans; interacts with construction contractor to obtain compliance or come to agreement on minor field changes in plans and as-builts to adapt plans to job site conditions or to correct errors in original plans such as changing grades and slopes”. His work involves reviewing site designs; reviewing construction documents and recommending changes to grading and architectural plans to his supervisor or construction project manager. He “becomes familiar with the details of the project before construction starts” by reviewing construction details and specifications to ensure that projects are in compliance with building codes and appropriate building permits are obtained. He prepares reports on the progress of projects.

The minimum qualifications for the Senior Construction Representative are (1) an Associate’s Degree in Construction Management, Engineering, Surveying or any related field; (2) four years of progressively responsible construction permitting inspection and management experience, (3) an equivalent combination of education and experience may be substituted, which together total 6 years, (4) valid driver’s license in accordance with both State and Commission rules and regulations, and (5) obtain and maintain a Maryland Responsible Person Certificate for soil erosion and sediment control within six months of appointment to a position in this class.

Mr. Izadjoo meets the minimum qualifications for this position. He has a Bachelor’s Degree and a Master’s Degree in Architecture and a Ph D. in Urban and Regional Science and has over 30 years of related experience. His license is unencumbered with restrictions that would limit his ability to drive Commission vehicles as validated by the Risk Management and Safety Office.

In February of 2020, Mr. Izadjoo appealed the Human Resources Director’s decision to the Board. Mr. Izadjoo cited several reasons for appealing but stated that his

“main concern was the serious flaws in the audit methodology[.]” In June of 2021, the Board denied Mr. Izadjoo’s appeal, explaining that:

[T]he Auditors utilized standard classification methodology in completing the audit. The audit indicated that the majority of work performed by the Appellant is that of “monitoring and inspecting construction projects as an individual contributor.” The Appellant’s [Job Analysis Questionnaire] was used in a side-by-side comparison with the “Examples of Important Duties Found in [. . .] Senior Construction Representative . . . Construction Representative Supervisor . . . Design and Construction Project Manager . . . .” The Appellant does not supervise a unit nor perform supervisory functions. The Auditors accurately considered the current duties and responsibilities of the Appellant and not those of his previous classification.

On July 1, 2021, Mr. Izadjoo filed a petition for judicial review in the Circuit Court for Montgomery County pursuant to Md. Rule 7-202. In December of 2021, after a hearing, the circuit court affirmed the decision of the Board, explaining:

As he did before the Board, Petitioner raises multiple concerns before this Court about the way in which the Commission conducted its classification audit/analysis.[] However, Petitioner points to no statute, rule, or procedure that the Commission violated. Therefore, the only question before this Court is whether the Board’s affirmation of the Commission’s classification decision was supported by substantial evidence.

Applying the substantial evidence test in this case does not require extensive discussion. It is plain on its face that “a reasoning mind reasonably could have reached the factual conclusion”[] that Petitioner did not qualify to be reclassified as a “Construction Representative Supervisor” where his current duties and responsibilities do not include supervising employees.[] Therefore, the Board’s decision was supported by substantial evidence.

(footnotes omitted). Mr. Izadjoo timely appealed.

## STANDARD OF REVIEW

When reviewing the decision of an administrative agency, “we review the agency’s decision directly, not the decision of the circuit court.” *Comptroller of Treasury v. Sci. Applications Int’l Corp.*, 405 Md. 185, 192 (2008). Further, “[b]ecause an agency’s decision is presumed *prima facie* correct, we review the evidence in the light most favorable to the agency.” *Id.* We discussed our role and “overarching goal” in reviewing administrative agency decisions in *Sugarloaf Citizens Ass’n v. Frederick Cnty. Bd. of Appeals*, 227 Md. App. 536 (2016):

The overarching goal of judicial review of agency decisions is to determine whether the agency’s decision was made “in accordance with the law or whether it is arbitrary, illegal, and capricious.” *Long Green Valley Ass’n v. Prigel Family Creamery*, 206 Md. App. 264, 274 (2012) (internal citation omitted). With regard to the agency’s factual findings, we do not disturb the agency’s decision if those findings are supported by substantial evidence. *See id.* (internal citations omitted). Substantial evidence is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (internal citations omitted) (internal quotation marks omitted). We are not bound, however, to affirm those agency decisions based upon errors of law and may reverse administrative decisions containing such errors. *Id.*

*Id.* at 546.

Our review, therefore, “is limited ‘to whether a reasoning mind could have reached the factual conclusion the agency reached[.]’” *Yancy v. Dep’t of Lab. Licensing & Regul.*, 125 Md. App. 719, 723-24 (1999) (citation omitted). Critically, “if reasoning minds could reasonably reach the conclusion reached by the agency from the facts in the

record, then it is based upon substantial evidence, and the court has no power to reject that conclusion.” *Liberty Nursing Ctr., Inc. v. Dep’t of Health & Mental Hygiene*, 330 Md. 433, 443 (1993).

## DISCUSSION

Mr. Izadjoo asserts that the Board erred in affirming the Human Resources Director’s decision to reclassify him to a Senior Construction Representative. In support, Mr. Izadjoo cites several reasons, including that the Board “failed to consider” the documents and arguments he made, that the Human Resources Director committed an “excessive delay” in considering his request, that the auditors failed to interview the appropriate supervisors, and that the Board failed to consider him for other additional positions.

The M-NCPPC responds that the Board’s decision was supported by substantial evidence and should be affirmed. In support, they assert that the agency was soundly within its discretion in determining whom to interview, had no obligation to “consider every other existing position[,]” and that there “is no law or regulation which mandates a result within a specified time[.]”

The M-NCPPC is an agency of the State of Maryland that exercises land use planning and park functions in Montgomery and Prince George’s Counties. *Maryland-Nat. Cap. Park & Plan. Comm’n v. Town of Washington Grove*, 408 Md. 37, 42 (2009). Requests to reclassify positions within the M-NCPPC are governed by the Merit System



Rules and Regulations (“MSRR”).<sup>4</sup> Specifically, the MSRR defines a reclassification action as:

[T]he reallocation of a position to a different class title, grade and/or description. Reclassifications are caused by an increase, decrease, or change in the level of duties and responsibilities of a position.

A reclassification may result in a position being changed to a higher or lower grade, or remain at the same grade[.]

MSRR § 932.

The MSRR provide that when an “employee believes his/her position is inappropriately classified, a review shall be conducted in accordance with administrative procedures for classification actions issued by the Executive Director.” MSRR § 930.

The MSRR provide the following procedure: first, “[a]ll classification actions must be reviewed by the Department Head prior to submission to the Human Resources Director for review and action.” MSRR § 934. Next, “[u]pon determination by the Human Resources Director, a decision on the classification action shall be issued to the Department Head” and “[t]he Department Head shall communicate the decision to the affected employee(s).” MSRR § 933. The MSRR provides guidance for determining the effective date of actions approved by the Human Resources Director but does not set forth a required time for reclassification actions to proceed. MSRR § 934.

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<sup>4</sup> The MSRR are recommended by the Merit System Board and adopted by the M-NCPPC. See MSRR § 110. Statutory authority for the MSRR is set forth in Md. Code Ann., Land Use § 16-106(a).

Finally, “[a]n employee who is dissatisfied with the classification decision by the Human Resources Director may file an appeal with the Merit System Board[.]” MSRR § 940. The Board “[s]erve[s] as the final administrative appellate board on all appeals resulting from disciplinary actions, grievance decisions, classification decisions and complaints of discrimination[.]” MSRR § 234. Although the Board’s decision “shall be final and binding within the Commission[.]” employees seeking additional review “may appeal the Merit System Board’s decision to a court of competent jurisdiction.” MSRR § 2180.

Here, Mr. Izadjoo exercised his right under the MSRR to appeal the Human Resources Director’s decision to the Board. In considering his appeal, the record reflects that the Board relied upon substantial evidence, including: Mr. Izadjoo’s “Job Analysis Questionnaire (JAQ) and Form 48, personnel file, a comparison of the Building Maintenance Supervisor, Construction Representative Supervisor and Senior Construction Representative specifications, and an audit performed with [Mr. Izadjoo], Michelle Grace, the immediate supervisor, and James Poore, Parks Division Chief.”

Specifically, the Board considered Mr. Izadjoo’s concerns regarding “flaws” in the audit “methodology” and concluded that the auditors “utilized standard classification methodology[.]” They pointed to the fact that the review of Mr. Izadjoo’s position relied on confirmation from Michelle Grace, the acting immediate supervisor to Mr. Izadjoo,<sup>5</sup>

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<sup>5</sup> Mr. Izadjoo’s former supervisor, Arnold Ramsammy, was unavailable during the review of Mr. Izadjoo’s request for reclassification. Accordingly, Ms. Grace, Mr. Ramsammy’s immediate supervisor, had been acting as Mr. Izadjoo’s immediate supervisor at times relevant to the reclassification review.

that he was “not supervising unit staff[.]” The Board noted that Mr. Izadjoo was appropriately reclassified because the Buildings Maintenance Supervisor and the Construction Representative Supervisor positions are both defined by “perform[ing] supervisory work” or “supervis[ing] unit staff[.]” We agree that a “reasoning mind[] could reasonably reach the conclusion” that Mr. Izadjoo’s reclassification to Senior Construction Representative, a non-supervisory position, was supported by these facts. *Liberty Nursing Ctr., Inc*, 330 Md. at 443.

Mr. Izadjoo further asserts that “[g]iven the evidence that [he] provided the Board to demonstrate the Commission’s flawed reasoning for denying [his] reclassification request, the Board’s affirmation of the Commission’s decision was arbitrary, capricious, and not based on the evidence before it.” We disagree. The Board considered the method and materials used by the auditors and noted that the Job Analysis Questionnaire submitted by Mr. Izadjoo “was used in a side-by-side comparison” with the three positions considered. The Board concluded that the auditors “accurately considered the current duties and responsibilities” of Mr. Izadjoo, including the fact that he “monitor[ed] and inspect[ed] construction projects as an individual contributor” and that he did “not supervise a unit nor perform supervisory functions” in affirming the Human Resources Director’s decision. We cannot say that this decision was arbitrary, illegal, or capricious. *Sugarloaf Citizens Ass’n v. Frederick Cnty. Bd. of Appeals*, 227 Md. App. 536, 545 (2016).

Mr. Izadjoo’s assertions of delay, failure to conduct certain interviews, or lack of consideration of additional positions do not alter our conclusion. Mr. Izadjoo points to no

required time for reclassification actions to proceed under the MSRR or otherwise, and it is undisputed that Mr. Izadjoo’s requested position was initially under review and thus ineligible for reclassification before December 2018. Moreover, Mr. Izadjoo’s counsel conceded that while Mr. Izadjoo was initially supervised by Mr. Ramsammy, that Ms. Grace did in fact supervise Mr. Izadjoo after Mr. Ramsammy became unavailable. Lastly, Mr. Izadjoo’s request only sought reclassification to the Construction Representative Supervisor, and Mr. Izadjoo has provided no support for the assertion that the Human Resources Director erred by failing to consider additional positions beyond those within his request.

Even had Mr. Izadjoo’s assertions lead to conflicting inferences regarding his reclassification, and we are unpersuaded that they do, they would not support reversal of the Board’s decision under our limited and deferential scope of review. *Bd. of Trustees of Employees’ Ret. Sys. of City of Baltimore v. Novik*, 87 Md. App. 308, 316 (1991), *aff’d*, 326 Md. 450 (1992) (holding that even where “there are conflicting inferences that can be drawn from the evidence, we must defer to the decision of the [agency].”). Accordingly, the judgment shall be affirmed.

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