

Circuit Court for Howard County
Case No. C-13-CV-25-000106
Case No. C-13-CV-24-000579

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 968, September Term, 2025

and

No. 1060, September Term, 2025

CONSOLIDATED CASES

LUBNA KHAN

v.

HOWARD COUNTY BOARD OF APPEALS,
ET AL.

Graeff,
Friedman,
Zic

JJ.

Opinion by Zic, J.

Filed: July 20, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This consolidated appeal arises from a 2022 noise dispute and ensuing administrative and civil proceedings between Lubna Khan, appellant, and a neighboring pet day care and kennel. In August 2024, Ms. Khan filed an amended petition for judicial review of the Howard County Board of Appeals’ (“Board”) administrative ruling.¹ In February 2025, Ms. Khan filed a separate complaint alleging, among other things, civil conspiracy, defamation per se, false light defamation, and infringement of her Fourteenth Amendment rights to due process and equal protection.^{2, 3}

QUESTIONS PRESENTED

Cumulatively, Ms. Khan presents 21 questions for our review, which we have recast and rephrased as follows:⁴

¹ Ms. Khan filed this lawsuit against both the Board and the Howard County Department of Planning and Zoning.

² Ms. Khan named as defendants in this lawsuit: Howard County, Maryland, the Board, the Board’s administrator, Board members (current and former), the Howard County Office of Law, and the Senior Assistant County Solicitor.

³ Separate from the appeals consolidated here, we note that Ms. Khan has pursued additional litigation factually related the underlying zoning dispute. *See Matter of Khan*, No. 2077, Sept. Term 2024, 2025 WL 3122762 (Md. App. Nov. 7, 2025) (seeking review of the administrative response to Ms. Khan’s Maryland Public Information Act requests pertaining to the property at issue in the instant appeal); C-13-CV-24-000375 (same); C-13-CV-24-000471 (same).

⁴ Ms. Khan presented the following 13 questions in her brief in Appeal No. 968:

1. Whether circuit court consideration of matters outside the complaint submitted with [the] Board’s dispositive motion converted it to a motion for summary judgment and should have been denied[.]
2. Whether the Board’s arbitrary and unlawful conduct—including altering evidence, ex parte communications, and

(continued)

in the absence of jurisdiction—supports independent LGTCA claims rather than claim-splitting, since judicial review provides no monetary remedy constitutional and tort claims[.]

3. Whether the court committed reversible and prejudicial legal errors in dismissing [Ms.] Khan’s LGTCA claims on grounds of absolute immunity in the absence of complete jurisdiction of the Board[.]
4. Whether complete absence of jurisdiction renders [the] Board’s decision void ab initio—and a bar to absolute immunity to all claims pled by [Ms.] Khan including constitutional claims [under] 42 U.S.C. § 1983, warrants federal review[.]
5. Whether the fraudulent and corrupt action of the Board altering evidence was shielded by absolute immunity in the absence of jurisdiction[.]
6. Whether [the] Board violated [Ms.] Khan’s due process rights by refusing to grant her a hearing on dispositive motions, issuing blanket denials, effectively mischaracterizing motions content and challenges to the Board’s jurisdiction, standing of interested parties, and the justiciability of their claims under §[]102.0[.]
7. Whether [the] Board’s failure to terminate the proceeding and disclose its ex-parte communications was actionable per M[aryland] Code, State Gov’t § 10-219 and voids its decision[,] or is it shielded by absolute immunity in the absence of jurisdiction[.]
8. Whether DPZ’s [f]ailure to [e]nforce the [c]itation, despite §[]102.0 [m]andating [e]nforcement [i]ndependent of [h]earing [a]uthority, [n]on-[d]iscretionary [o]nce [m]ade [a]ware of violation, [w]as [a]rbitrary and [c]ontrary to [l]aw [r]equires [the] [c]ourt [t]o [i]ssue [m]andamus[.]
9. Whether [the] court[’s] action was erroneous because it overlooked the elements of the complaint of conspiracy[.]
10. Whether the Board/Chair enjoy a qualified or absolute privilege for its defamatory per se statements and/or

(continued)

placing [Ms.] Khan in [f]alse [l]ight in the absence of jurisdiction[.]

11. Whether there is competent evidence to support an award of compensatory damages[.]
12. Whether an award of \$1.00 in compensatory damage[s] support[s] an award of punitive damages[.]
13. Whether the Board could legislate or it acted arbitrar[ily][.]

Ms. Khan presented the following eight questions in her brief in Appeal No. 1060:

1. Whether the Board lacked subject matter jurisdiction under Cts. & Jud. Proc. §[]4-401 by reopening an administratively closed case and asserting jurisdiction over a district court citation[.]
2. Did the [B]oard act arbitrar[ily], contrary to the law and illegal[ly] when it lacked subject matter jurisdiction to hear [an] invalid petition, in violation of HCC §[]102.0B and §[]16.302[,] thereby rendering its decision void ab initio?
3. Whether the Board acted arbitrar[ily], contrary to the law, unreasonabl[y][,] and fraudulent[ly] to reverse [the] citation by designating [Ms.] Khan as petitioner and proceeding without jurisdiction, where she never petitioned the Board, had already prevailed, and was no longer aggrieved[.]
4. Whether Lisa Reuwer and Dogs and Cats, LLC, lack[ed] any cognizable interest in 100% Land, had standing or a justiciable claim to initiate or maintain the proceeding[.]
5. Whether the Board's undisclosed conflicts of interest, ex parte communications, and alteration of [Ms.] Khan's exhibits rendered its proceedings arbitrary, fraudulent, and void[.]
6. Whether the Board lacked authority as an administrative board to engage in [a] legislative act by changing the governing statute (§[]102.0B) to allow direct appeals in violation of §[]16.302[.]

(continued)

1. Did the circuit court err in granting the motion to dismiss?
2. Did the circuit court err in affirming the Department of Public Service and Zoning Administration’s (“DPZ”) decision?

For the following reasons, we answer both questions in the negative and affirm.

BACKGROUND

This is the second appeal before this Court regarding a zoning dispute in Clarksville, Maryland. *See Khan v. Kendall*, Nos. 1399 & 2115, Sept. Term 2023, 2024 WL 4523785, at *1-2 (Md. App. Oct. 18, 2024).⁵ We provide an abbreviated recitation of the facts most relevant to this appeal below.

In February 2022, Ms. Khan filed a noise complaint with DPZ against a neighboring commercial property (“Property”). *Id.* at *1. The Property’s tenant operates a pet services business known as Pinkie’s Play Place (“Business”), which offers indoor and outdoor boarding of pets and pet care during the day. *Id.* Ms. Khan’s noise

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7. Whether the circuit court committed prejudicial reversible legal error by affirming the Board’s void decision and failing to safeguard [Ms.] Khan’s constitutional right to a fair and impartial tribunal, [a] due process protection warranting federal review[.]
 8. Whether the Board’s interpretation of HCC §[] 119.0.B(47) and (65) was correct or arbitrary, unreasonable, without rational basis, and contrary to law[.]

⁵ In the first consolidated appeal before this Court, Ms. Khan had “filed an amended complaint against the . . . then-acting Director of the Howard County [DPZ] . . . seeking a writ of common-law mandamus.” *Khan*, No. 1399, 2024 WL 4523785, at *1. We affirmed the circuit court’s dismissal of Ms. Khan’s amended complaint “for three key reasons: (1) [Ms.] Khan lacked a clear right to compel DPZ’s issuance of a citation, (2) code enforcement is not a ministerial act, and (3) [Ms.] Khan had an adequate alternative legal remedy.” *Id.* at *3-4.

complaint “alleged that the Business was illegally allowing dogs to be outdoors all day and that the dogs barked nonstop, disturbing her use of her home, which is located directly across the street from the Property.” *Id.*

DPZ inspected the Property and concluded that the Business’ use did not violate the Howard County Zoning Regulations. *Id.* Ms. Khan appealed this decision to the Board’s Hearing Examiner, who, in January 2023, issued a corrected order directing DPZ to reopen the case and issue a notice of violation to the owner of the Property. *Id.* at *2. DPZ then issued a notice of violation to the Property’s owner. *Id.*

The owners of the Property and the Business timely appealed the Hearing Examiner’s decision and order to the Board. In September 2024, the Board reversed the Hearing Examiner’s decision, determining that “DPZ’s decision to not issue a [n]otice of [v]iolation was not arbitrary or capricious[,]” and that, as the reviewing court, it should “give[] considerable weight” to DPZ’s interpretation of the Howard County Zoning Regulations because “the agency exercises expertise in the field.”

Ms. Khan’s Petition for Judicial Review and Circuit Court Proceedings

In September 2024, Ms. Khan filed a second amended notice of petition for judicial review of the decision of the Board in the Circuit Court for Howard County. After a one-day hearing in January 2025, the court held the matter *sub curia*, and in June 2025, issued a memorandum opinion and order concluding “that the decision by the Board was supported by substantial evidence and further, that there were no errors of law.” Ms. Khan filed a “Motion to Alter or Amend or Revise and Motion for a New Trial[,]” which the court denied. Ms. Khan timely noted an appeal.

Ms. Khan’s Civil Complaint and Circuit Court Proceedings

In February 2025, Ms. Khan filed a civil complaint against the following: Howard County, Maryland; the Board; the Board’s administrator; Board members (current and former); the Howard County Office of Law; and the Senior Assistant County Solicitor. Her complaint included seven counts: one count of civil conspiracy, two counts of defamation per se, two counts of false light defamation, one count of infringement of her Fourteenth Amendment rights to due process and equal protection, and one count of “[d]enial of [e]qual [p]rotection” under Howard County Code § 102.0B. All named defendants filed a motion to dismiss with prejudice.

Following a motions hearing at which Ms. Khan appeared *pro se*, the circuit court issued a corrected memorandum and order granting the motion to dismiss.

The court found that “[a]ll of the acts purported by [Ms. Khan] arise from the adjudicatory function of the [Board]” and that “the [d]efendants, named or otherwise, are all members of the [Board, and] are entitled to absolute immunity.” The court further noted that Ms. Khan “even states in the complaint . . . that the [Board] is an administrative body responsible for adjudicating land disputes.” The court determined that all actions of which Ms. Khan complained constituted “acts which arise from an adjudicatory function[,]” and, “[t]herefore, . . . the [d]efendants are entitled to absolute immunity under the theory of quasi-judicial immunity.” Ms. Khan timely appealed.

STANDARD OF REVIEW

“In appeals from circuit court judgments on administrative agency decisions, we ‘repeat the task of the circuit court, i.e., to determine whether the circuit court’s review

was correct.”” *Matter of HRVC Ltd. P’ship*, 266 Md. App. 391, 421 (2025) (quotation omitted). “[W]e analyze ‘the agency’s decision using the same standards used by the circuit court.”” *Id.* (quotation omitted). We limit our review “to determining whether there is substantial evidence in the record as a whole to support the agency’s findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law.” *Id.* (citing *Kenwood Gardens Condo., Inc. v. Whalen Props., LLC*, 449 Md. 313, 325 (2016)).

Appellate courts “review the grant or denial of a motion to dismiss to determine whether the trial court was legally correct.” *Patriot Constr., LLC v. VK Elec. Servs., LLC*, 257 Md. App. 245, 271 (2023) (citing *Blackstone v. Sharma*, 461 Md. 87, 110 (2018)) (further citation omitted). In reviewing the trial court’s decision, “we must assume the truth of all well-pleaded facts and allegations contained in the complaint, and view those facts, as well as all inferences that may reasonably be drawn from them, in the light most favorable to the non-moving party.” *Patriot Constr., LLC*, 257 Md. App. at 271 (citation omitted). “An order granting dismissal is appropriate ‘only if the allegations and permissible inferences, if true, would not afford the relief to the plaintiff.’” *Id.* at 271-72 (quotations omitted).

DISCUSSION

I. MULTIPLE PORTIONS OF MS. KHAN’S BRIEFS MUST BE STRICKEN.

We have identified numerous issues with the cases cited in Ms. Khan’s filings with this Court. Of the 148 cases cited in Ms. Khan’s filings to this Court, at least 40 contained a citation irregularity.^{6, 7}

We strike the portions of Ms. Khan’s briefs as pertinent to her arguments that the Board arbitrarily interpreted Howard County Zoning Regulations § 119.0B(47), (65), that “Joseph Rutter[’s] testimony lacks credibility[,]” and that “there is no substantial evidence that supports the Property operates a kennel” because of the following citation irregularity: *Superior outdoor signs v. Eller media Co.*, 150 Md. App.479,497-98 (App. 2003), *see* No. 1060 Reply Br. to Board at 17; No. 1060 Reply Br. to DPZ at 10, does not contain the language that Ms. Khan purports to quote.

We strike the portions of Ms. Khan’s briefs as pertinent to her arguments that the “Board lacked [s]ubject [m]atter jurisdiction[,]” that “absolute immunity does not apply[,]” that the Board forfeited its immunity, that “[p]etitioning [p]arties [l]acked [s]tanding and [j]usticiable [c]laim[,]” that Ms. Khan’s Fourteenth Amendment rights

⁶ We further note that, of the 148 cases cited in Ms. Khan’s filings, six were not appropriately noted in the tables of authorities, in violation of Maryland Rule 8-504(a)(1). We also note that several page notations of case references within the briefs were incorrect in the tables of authorities. “[T]he procedural, evidentiary, and appellate rules apply alike to parties and their attorneys. No different standards apply when parties appear pro se.” *Gantt v. State*, 241 Md. App. 276, 302 (2019) (alteration and emphasis in original) (quotation omitted).

⁷ The citation irregularities identified in this opinion are copied, without alteration, from Ms. Khan’s briefs.

were violated, “ex-parte communication[,]” and “civil conspiracy” because of the following citation irregularities:

- *Engineering Mgmt. Servs.*, 375 Md. at 242, *see* No. 968 Appellant’s Br. at 18, does not stand for the proposition asserted.
- *Shell Oil Co. v. Supervisor*, 276 Md. 46, 343 A.2d 526-527 (1975), *see* No. 968 Appellant’s Br. at 18, does not stand for the proposition asserted.
- *Mandel v. O’Hara*, 320 Md. 103, 113 (1990), *see* No. 968 Appellant’s Br. at 18, does not stand for the proposition asserted.
- *Parker v. State*, 337 Md. 271, 284 (1995), *see* No. 968 Appellant’s Br. at 18, No. 968 Reply Br. at 3, does not stand for the proposition asserted.
- *Talbot Cnty.*, 316 Md. at 339, *see* No. 968 Appellant’s Br. at 19, does not contain the language that Ms. Khan purports to quote.
- *Patterson v. Ramsey*, 413 F. Supp. 523, 531 (D.Md.1976), *see* No. 968 Appellant’s Br. at 23, does not contain the language that Ms. Khan purports to quote.
- *Logan v. Zimmerman Brush* 455 U.S. 42(1982), *see* No. 968 Appellant’s Br. 23, does not contain the language that Ms. Khan purports to quote.
- *Rodriguez v. Mayor & City Council of Balt.*, 387 Md. 1, 26 (2005), *see* No. 968 Appellant’s Br. 23-24; No. 1060 Appellant’s Br. 28; No. 1060 Reply Br. to Board 13, does not exist. The case found at the principal citation is *Johnson v. Mayor & City Council of Balt.*, 387 Md. 1 (2005), a case about whether firefighters’ dependents may collect full workers’ compensation death benefits in addition to service pension benefits.
- *Queen Anne’s Conservation, Inc. v. Cnty. Comm’rs of Queen Anne’s Cnty.*, 382 Md. 306, 326 (2004), *see* No. 968 Appellant’s Br. at 24, does not stand for the proposition asserted.
- *Howard Cnty. v. Mangione*, 47 Md. App. 350, 353 (1980), *see* No. 968 Appellant’s Br. at 24; No. 1060 Appellant’s Br. at 25, 27, neither contains the language that Ms. Khan purports to quote nor stands for the propositions asserted.

- *Calvert Cty. Planning Comm’n v. Howlin Realty Mgmt., Inc.*, 364 Md. 301, 322 (2001), *see* No. 968 Appellant’s Br. at 24, does not contain the language that Ms. Khan purports to quote.
- *Tumey v. Ohio*, 273 U.S. 510 (1927), *see* No. 968 Appellant’s Br. at 25, does not contain the language that Ms. Khan purports to quote.
- *Hill v. Baltimore County*, 86 Md. App. 642, 660 (1991), *see* No. 968 Appellant’s Br. at 25, does not contain the language that Ms. Khan purports to quote.
- *Simms v. Maryland Dep’t of Health*, 240 Md. App. 294, 326 (2019), *aff’d*, 467 Md. 238 (2020), *see* No. 968 Appellant’s Br. at 25, does not stand for the proposition asserted.
- *Boehm v. Anne Arundel County*, 54 Md. App. 497, 511 (1985), *see* No. 968 Appellant’s Br. at 25-26, does not stand for the proposition asserted.
- *Mathews v. Eldridge*, 424 U.S. 319, 332-35 (1976), *see* No. 968 Appellant’s Br. at 26, does not contain the language that Ms. Khan purports to quote.
- *Tyler v. College Park*, 415 Md. 475, 499-500, 3 A.3d 421, 434- 435 (2010), *see* No. 968 Appellant’s Br. at 27, does not stand for the proposition asserted.
- *Smith v. McCullough*, 141 U.S. 589 (1891), *see* No. 968 Reply Br. at 1, does not exist. The case found at the principal citation is *Marshall v. Holmes*, 141 U.S. 589 (1891), a case about the power of equity courts to grant relief against judgments obtained by fraud.
- *Espina v. Prince George’s Cnty.*, 438 Md.634 (2014), *see* No. 968 Reply Br. at 13, does not exist. The case found at the principal citation is *MVA v. Deering*, 438 Md. 611 (2014), a case about suspected drunk drivers not being able to avoid automatic administrative license suspension for refusal to take a blood alcohol test or test results that reveal a blood alcohol concentration above certain levels.
- *Mallette v. Arlington Cty. Emps. Supp. Ret. Sys.*, 91 F.3d 630, 634 (4th Cir. 1996), *see* No. 968 Reply Br. at 13-14, does not stand for the proposition asserted.

- *Thacker v. Hale*, 146 Md. 638, 651–52 (1924), *see* No. 1060 Appellant’s Br. at 20, 24, does not exist. The case found at the principal citation is *Stiegler v. Eureka Life Ins. Co. of Balt.*, 146 Md. 629 (1925), a case about a life insurance company’s payment obligation.
- *Mayer v. Montgomery Cnty.*, 143 Md. App. 216 (2002), *see* No. 1060 Appellant’s Br. at 20, does not exist. The case found at the principal citation is *Brown v. Contemp. OB/GYN Assocs.*, 143 Md. App. 199 (2002), a case about a medical malpractice claim.
- *Angel Enterprises v. Talbot County*, 474 Md. 237, 266 (2021) (quoting *K. Hovnanian*, 472 Md. at 292) (emphasis in original), *see* No. 1060 Appellant’s Br. at 23, does not contain the language that Ms. Khan purports to quote.
- *Clipper v. Sprenger*, 924 A.2d 1160, 1171, 399 Md. 539 (2007), *see* No. 1060 Appellant’s Br. at 25, neither contains the language that Ms. Khan purports to quote nor stands for the proposition asserted.
- *Maryland-National Capital Park & Planning Comm’n v. Smith*, 333 Md. 3, 10-14, 633 A.2d 855, 859-61 (1993), *see* No. 1060 Appellant’s Br. at 26, does not contain the language that Ms. Khan purports to quote.
- *United Parcel Serv. Inc. v. People’s Counsel*, 336 Md. 569, 576 (1994), *see* No. 1060 Appellant’s Br. at 26, does not stand for the proposition asserted.
- *Pollock v. Patuxent Inst. Bd. of Review*, 374 Md. 463, 503 (2003), *see* No. 1060 Reply Br. to Board at 12, does not stand for the proposition asserted.
- *Bell v. Anne Arundel Cnty.*, 215 Md. App. 161, 169 (2013), *see* No. 1060 Reply Br. to Board at 14, does not stand for the proposition asserted.
- *Joseph H. Munson Co. v. Sec’y of State*, 294 Md. 160, 168–69 (1982), *see* No. 1060 Reply Br. to Board at 14, does not stand for the proposition asserted.
- *Hayden v. Md. Dep’t of Nat. Res.*, 242 Md. App. 505, 520-21 (2019), *see* No. 1060 Reply Br. to DPZ at 10, does not contain the language that Ms. Khan purports to quote.

- *Adams v. Manown*, 328 Md. 463, 476 (1992), *see* No. 1060 Reply Br. to DPZ at 12, does not stand for the proposition asserted.
- *Sherwood Co. v. Sherwood Distilling Co.*, 177 Md. 455 (1939), *see* No. 1060 Reply Br. to DPZ at 12-13, does not stand for the proposition asserted.
- *Reyes* 281 Md. at 288, *see* No. 1060 Reply Br. to DPZ at 13, does not contain the language that Ms. Khan purports to quote.

We strike the portions of Ms. Khan’s briefs as pertinent to her arguments regarding “defamation per se” and “false light” because of the following citation irregularities:

- *Padgett v. Sweeting*, 65 Md. 404 (1886), *see* No. 968 Appellant’s Br. at 29, does not contain the language that Ms. Khan purports to quote.
- *Peurifoy v. Congressional Motors*, 254 Md. 501, 510 (1969), *see* No. 968 Appellant’s Br. at 29-30, twice does not stand for the proposition asserted.
- *McClure v. Lovelace*, 214 Md. App. 716, 739–40 (2013), *see* No. 968 Appellant’s Br. at 31, does not stand for the proposition asserted.
- *Piscatelli v. Van Smith*, 424 Md. 294, 306 (2012), *see* No. 968 Appellant’s Br. at 32, No. 968 Reply Br. at 8, twice does not stand for the proposition asserted.
- *Bagwell v. Peninsula Reg’l Med. Ctr.*, 106 Md. App. 470, 507 (1995), *see* No. 968 Appellant’s Br. at 32, does not stand for the proposition asserted.

We strike the portions of Ms. Khan’s briefs as pertinent to her argument that “[t]here is [n]o [c]laim [s]plitting” because of the following citation irregularities:

- *Burke v. Md. Bd. of Physicians*, 250 Md. App. 334, 344 (2021), *see* No. 968 Appellant’s Br. at 33, does not stand for the proposition asserted.
- Md. Rule 7-208, *see* No. 968 Appellant’s Br. at 33, does not stand for the proposition asserted.

Although we have detailed Ms. Khan’s case citation defects, and they are legion, the defect in her briefs runs deeper. Maryland Rule 8-504(6) requires “[a]rgument in support of the party’s position on each issue.” That requirement does not turn on citation form, or on citation to case law at all. Ms. Khan’s citations stood in for her argument. Once we strike the citations that misstate the law, misquote the cases, or cite cases that do not exist, nothing remains from which we can discern what she was arguing. This is a failure of argument, not a failure of citation form, and it is fatal under Rule 8-504(a)(6). “This Court cannot be expected to seek out law or facts in favor of either party.” *Oxley v. Frederick Mem. Hosp.*, 268 Md. App. 575, 587 n.6 (2026) (citation omitted). Accordingly, we will not reach either issue.

**JUDGMENTS OF THE CIRCUIT COURT
FOR HOWARD COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANT.**