

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1619

September Term, 2015

DERRICK HOMESLEY

v.

MARYLAND STATE BOARD OF
EDUCATION

Krauser, C.J.,
Graeff,
Nazarian,

JJ.

PER CURIAM

Filed: December 12, 2016

*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.

Derrick Homesley, appellant, was terminated from his employment with the Prince George’s County Public School system (“PGCPS”) for sending sexually suggestive and explicit email messages to female PGCPS employees from his work-issued laptop computer and/or Blackberry devices. Homesley appealed his termination to the Prince George’s County Board of Education (“County Board”), which, after a five-day evidentiary hearing, upheld the termination. Homesley then appealed to the Maryland State Board of Education (“State Board”), which ultimately affirmed the termination.

Homesley next sought judicial review of the State Board’s decision in the Circuit Court for Prince George’s County, which also affirmed. Homesley then filed an appeal to this Court, claiming that the State Board’s decision to uphold his termination was not supported by substantial evidence. Homesley further claims that the decision was arbitrary and capricious because the State Board found appellee’s evidence to be more persuasive than that which he offered and because the State Board gave no consideration to “mitigating circumstances” such as his record of service. Finding Homesley’s contentions to be without merit, we affirm.

“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.’” *Sugarloaf Citizens Ass’n v. Frederick County Bd. Of Appeals*, 227 Md. App. 536, 546 (2016) (citation omitted). In doing so, “we [assume] the same posture as the circuit court...and limit our review to the agency’s decision.” *Anderson v. Gen. Cas. Ins. Co.*, 402 Md. 236, 244 (2007) (citation omitted). Moreover,

“we ‘review the agency’s decision in the light most favorable to the agency’ because it is ‘prima facie correct’ and entitled to a ‘presumption of validity.’” *Sugarloaf*, 227 Md. App. at 546 (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.” *Id.* “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Board of School Com’rs of Baltimore City v. James*, 96 Md. App. 401, 418 (1993). “In applying the substantial evidence test, a court is not to substitute its judgment for the expertise of the agency, rather the test is a deferential one, requiring restrained and disciplined judicial judgment so as not to interfere with [the agency’s] factual conclusions.” *Id.* at 419. (citation and quotation marks omitted).

Based on our review of the record, we conclude that the State Board’s decision was supported by substantial evidence and was not arbitrary, illegal, or capricious. Accordingly we affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT COURT
FOR PRINCE GEORGE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**