

Circuit Court for Prince George's County  
Case No. C-16-CV-24-003861

UNREPORTED\*  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2158

September Term, 2024

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IN THE MATTER OF MICHAEL BUADOO

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Wells, C.J.,  
Reed,  
Battaglia, Lynne A.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Wells, C.J.

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Filed: June 5, 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 Rule 1-104(a)(2)(B).

In the Circuit Court for Prince George’s County, appellant Michael Buadoo filed a petition for judicial review of a decision by the Prince George’s County Department of Permitting, Inspection, and Enforcement (“the Department”). The Department moved to dismiss the petition as untimely. The court granted that motion. Buadoo appeals and presents six questions for our review, which we have distilled into one:

Did the circuit court err in dismissing Buadoo’s petition for judicial review as untimely filed?<sup>1</sup>

For the reasons that follow, we answer in the negative and affirm.

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<sup>1</sup> Buadoo’s questions verbatim follow:

- I. Whether the Circuit Court erred in granting the agency’s motion to dismiss where the agency failed to comply with Maryland Rule 7-206(b) by not transmitting the administrative record within the required 60-day period and without requesting an extension.
- II. Whether the doctrine of equitable estoppel and principles of fundamental fairness bar dismissal where the agency’s misconduct and delay directly contributed to the petitioner’s untimely refiling.
- III. Whether dismissal was improper where the agency suffered no prejudice, and the petitioner was denied meaningful judicial review due to the agency’s procedural noncompliance.
- IV. Whether the Circuit Court erred in granting the agency’s motion to dismiss, which was filed 46 days beyond the permissible timeframe under Maryland Rule 7-206(b), without addressing its untimeliness.
- V. Whether the Circuit Court abused its discretion by failing to consider the petitioner’s timely opposition to the agency’s motion to dismiss.
- VI. Whether the Circuit Court’s ruling violated principles of fairness and due process under the Maryland Rules of Civil Procedure.

## BACKGROUND

### A. The Petition for Judicial Review

On August 20, 2024, Buadoo filed a petition for judicial review challenging what he identified as the Department’s October 8, 2021, “order” concerning a citation it had issued to him. The citation, which Buadoo attached to his petition as an exhibit, charged him with violating § 5-175(c) of the Prince George’s County Code (“PGCC”).<sup>2</sup> Specifically, it alleged he had used real property located at 1205 Sandy Bar Drive in Fort Washington as a short-term rental property without the required license. The citation further advised Buadoo that he could either pay a \$1,000 fine, request an administrative hearing, or “be subject to a default judgment.”

In his petition for judicial review, Buadoo alleged that the Department had issued the citation based on an Airbnb listing for the property “despite [Buadoo] not actively hosting any guests or operating the property as a short-term rental at the time.” Buadoo further asserted the Department had violated his right to due process by issuing the citation “without conducting an independent investigation to verify the facts.” As relief, among other things, he requested the court dismiss the citation.

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<sup>2</sup> PGCC § 5-175(c) provides: “No person shall advertise or host a short-term rental unless the person maintains a short-term rental license for the specific address issued by the Department, or pursuant to Section 5-175(b) there is a complete and a filed application is being assessed during the 90-calendar day period.” [sic]

**B. The First Motion to Dismiss**

On September 24, 2024, the Department filed a response to Buadoo’s petition indicating its intent to participate in the action. The Department contemporaneously moved to dismiss the petition, arguing that Buadoo had failed to exhaust his administrative remedies because he had not requested an administrative hearing. Alternatively, the Department contended dismissal was warranted because Mr. Buadoo’s petition was untimely filed.

Buadoo filed an opposition to the Department’s motion to dismiss on October 8, 2024. In that opposition, Buadoo claimed that, contrary to the Department’s representations, he had timely requested an administrative hearing on the citation and that the hearing was held on June 24, 2021. Buadoo further asserted he had sought reconsideration of the Department’s resulting decision and that a reconsideration hearing was held on August 20, 2021. According to Buadoo, “after fully exhausting all administrative remedies[,]” he filed his first petition for judicial review on October 29, 2021, which was assigned circuit court case number CAL21-13613 (“case number 13613”). He then represented that the court had dismissed that initial petition without prejudice for “lack of documentation” following a hearing on May 3, 2024, at which the

Department did not appear.<sup>3</sup> Thus, Buadoo explained, he filed the present petition on August 20, 2024, and “provided documentation in the form of a series of [e]xhibits.”

### **C. The Second Motion to Dismiss**

On October 24, 2024, the Department filed a line withdrawing its motion to dismiss on the ground that “the information provided in [Buadoo’s] [o]pposition ha[d] rendered the [m]otion moot.” Approximately three weeks later, the Department filed a second motion to dismiss. In that motion, the Department abandoned its exhaustion argument and conceded Buadoo had filed a timely petition for judicial review on October 29, 2021. It maintained, however, that the petition filed on August 20, 2024, was untimely under Rule 7-203(a) because it was filed more than thirty days after the agency decision Buadoo sought to challenge. Accordingly, the Department renewed its request that the court dismiss the petition.

Buadoo filed an opposition to the Department’s renewed motion to dismiss on November 27, 2024. Buadoo contended that because the circuit court dismissed the October 2021 petition without prejudice, he was entitled to “refile[] the case on August 20, 2024.” He further asserted dismissal would be inequitable given the Department’s alleged

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<sup>3</sup> We take judicial notice of the docket entries in circuit court case number 13613, as they are available on the Maryland Judiciary website. *See Lewis v. State*, 229 Md. App. 86, 90 n.1 (2016) (“We take judicial notice of the docket entries from *State v. Bennett*, found on the Maryland Judiciary Case Search website, pursuant to Maryland Rule 5-201.”), *aff’d*, 452 Md. 663 (2017). The docket entries confirm that Buadoo filed a petition for judicial review on October 29, 2021. Although Buadoo asserted below that his initial petition was dismissed on May 3, 2024, for “lack of documentation,” the docket entries reflect that it was dismissed on May 8, 2024, “for lack of prosecution.”

failure to comply with its own procedural obligations by filing an untimely motion to dismiss and failing to transmit the administrative record to the court. Invoking “equitable considerations[,]” “the court’s discretion to excuse minor filing delays[,]” and “public policy favoring access to judicial review[,]” Buadoo requested the court deny the Department’s motion.

On December 2, 2024, the Department filed a reply in support of its motion to dismiss. Although the Department acknowledged that Buadoo’s 2021 petition had been dismissed without prejudice, it maintained that any later-filed petition was required to independently comply with Rule 7-203(a)’s thirty-day filing deadline. Thus, the Department argued that Buadoo could not “transplant the timeliness” of his first petition for judicial review onto the filing date of his second. According to the Department, if Buadoo wished to challenge the outcome of his initial petition, the proper course was to seek reconsideration in that original action rather than to file a new petition outside the thirty-day deadline imposed by Rule 7-203.

#### **D. The Court’s Ruling**

On December 20, 2024, the circuit court dismissed Mr. Buadoo’s petition for judicial review as untimely. Because the petition was filed on August 20, 2024, and

challenged an agency decision issued in October 2021, the court concluded Buadoo failed to file it within the thirty-day period prescribed by Rule 7-203.<sup>4</sup> This appeal followed.

### STANDARD OF REVIEW

We review the circuit court’s dismissal of a petition for judicial review of an agency decision *de novo*. *A.C. v. Maryland Comm’n on Civil Rights*, 232 Md. App. 558, 568 (2017). Although such a ruling is reviewed without deference, “[w]e will affirm the circuit court’s judgment on any ground adequately shown by the record, even one upon which the

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<sup>4</sup> In dismissing his petition, the court relied on Maryland Code (1973, 2020 Repl. Vol.), Courts and Judicial Proceedings Article (“CJP”) § 5-119(b), which provides, in relevant part:

(b) If a civil action or claim is commenced by a party within the applicable period of limitations and is dismissed without prejudice, the party may commence a new civil action or claim for the same cause against the same party or parties on or before the later of:

- (1) The expiration of the applicable period of limitations;
- (2) 60 days from the date of the dismissal; or
- (3) August 1, 2007, if the action or claim was dismissed on or after November 17, 2006, but before June 1, 2007.

In its brief, the Department concedes the court’s reliance on this provision was misplaced, as CJP § 5-119 applies only to certain medical malpractice claims dismissed without prejudice. *See* CJP § 5-119(a)(2) (“This section applies only to a civil action or claim that is dismissed once for failure to file a report in accordance with § 3-2A-04(b)(3) of this article.”); *Wilcox v. Orellano*, 443 Md. 177, 180 (2015) (describing CJP § 5-119 as “[a] statute specific to medical malpractice actions”). Although that reliance was erroneous, it is of no consequence to this appeal. As the Department correctly observes, the court “expressly conditioned its dismissal on both [CJP] § 5-119 and [Rule] 7-203,” such that Rule 7-203 served as an independent basis for dismissal. (emphasis omitted.)

circuit court has not relied on one that the parties have not raised.” *D.L. v. Sheppard Pratt Health Sys., Inc.*, 465 Md. 339, 350 (2019) (quotation marks and citations omitted).

## DISCUSSION

### A. Buadoo’s Contentions

Although Buadoo does not dispute that his petition for judicial review was filed outside the thirty-day period prescribed by Rule 7-203, he maintains that the circuit court erred in dismissing it as untimely. His arguments, which largely overlap, may be distilled to the contention that the Department should not have prevailed on its motion to dismiss based on Buadoo’s untimeliness while allegedly failing to comply with its own procedural obligations.

Buadoo primarily asserts that dismissal was inequitable because the Department failed to transmit the administrative record in the 2021 judicial-review action and again in this case. According to him, that failure contributed to both the dismissal of his original petition and the belated filing of his second. In a similar vein, Buadoo argues the Department was equitably estopped from seeking dismissal because his delay in filing the second petition resulted from his reliance on the Department’s representations that the administrative record would be forthcoming. He further asserts the Department suffered no prejudice from his belated filing, whereas its failure to transmit the record deprived him of a meaningful opportunity for judicial review.

Buadoo also challenges the order of dismissal on procedural grounds. He first argues the Department’s renewed motion to dismiss was itself untimely and should have been

denied on that basis. Buadoo further asserts that the circuit court abused its discretion by disregarding the arguments raised in his November 27, 2024 opposition. Based on the foregoing arguments, Buadoo maintains that the dismissal of his petition for judicial review “contravened principles of fairness and due process.”

### **B. Maryland Rule 7-203**

Maryland Rule 7-203 governs the time for filing a petition for judicial review of an agency decision and provides, in pertinent part:

(a) **Generally.** — Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

(1) the date of the order or action of which review is sought;

(2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or

(3) the date the petitioner received notice of the agency’s order or action, if notice was required by law to be received by the petitioner.

“[T]he 30-day requirement for filing the petition [is] in the nature of an absolute statute of limitations[.]” *Colao v. County Council of Prince George’s Cnty.*, 346 Md. 342, 364 (1997). Accordingly, “the thirty-day deadline pursuant to Maryland Rule 7-203(a) is not subject to ‘any implied or equitable exception[.]’” and a circuit court therefore lacks the discretion to extend it. *Matter of Hosein*, 484 Md. 559, 573-74 (2023) (quoting *Colao*, 346 Md. at 363). *See also S.B. v. Anne Arundel Cnty. Dep’t of Soc. Servs.*, 195 Md. App. 287, 309 (2010) (“[T]he circuit court had no discretion to extend the thirty day deadline under Rule 7-203(a)(2), even by two days.”). In sum, a party seeking judicial review of an agency decision must file a petition within the thirty-day period prescribed by Rule 7-203,

and a circuit court has no discretion to excuse a belated filing on equitable grounds. *See Colao*, 346 Md. at 362 (“[U]ntimely filings of petitions for judicial review are no longer governed by findings of good or sufficient cause or by the exercise of the court’s discretion[.]”); *Modell v. Waterman Fam. Ltd. P’ship*, 232 Md. App. 13, 20 (2017) (“Because a circuit court does not have discretion to consider late-filed petitions for judicial review, the court cannot review an administrative decision when the petition is filed beyond the thirty-day period.”).

### **C. Analysis**

#### **1. Buadoo’s petition for judicial review was untimely filed.**

As noted above, Buadoo does not dispute that his August 20, 2024, petition for judicial review was untimely under Rule 7-203—nor could he reasonably do so. The Department’s ruling on Buadoo’s request for reconsideration constituted the Department’s final decision and was therefore subject to judicial review in the circuit court. *See* PGCC § 5-175.08 (“The decision of the Hearing Administrator on an application for reconsideration shall constitute the final decision of the Administrative Hearing Unit.”). In his 2024 petition, Buadoo represented that the Department issued that decision on October 8, 2021. The record further reflects Buadoo received the mailed decision by October 15, 2021.<sup>5</sup>

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<sup>5</sup> In an email sent to Buadoo on October 8, 2021, the Department’s Adjudications Administrator advised him: “A copy of the decision to your Request for Reconsideration is in the attachment. . . . Another copy has been mailed to your home address on file.” In a response sent on October 21, 2021, Buadoo confirmed he received the mailed decision regarding his request for reconsideration on October 15, 2021. Because his petition was

(continued . . .)

Thus, even measured from that later date, the Rule 7-203(a) deadline would have expired on November 15, 2021.<sup>6</sup>

Although he timely filed his initial petition for judicial review in case number 13613 on October 29, 2021, that action was later dismissed without prejudice. The petition at issue here was not filed until August 20, 2024—more than two years and nine months after the mandatory filing deadline had passed. Moreover, neither the timely filing of his initial petition nor its subsequent dismissal without prejudice extended the deadline for seeking judicial review of the decision at issue.<sup>7</sup> The Maryland Supreme Court has consistently held that “an action for judicial review of an administrative decision is an *original* action” rather than an appeal. *Kim v. Comptroller of the Treasury*, 350 Md. 527, 534 (1998). Accordingly, although Buadoo’s petitions arose from and challenged the same

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untimely regardless of whether the thirty-day period is measured from the date the Department issued the reconsideration decision or from the date Mr. Buadoo received it, we need not decide whether the PGCC required notice of that decision to be sent to, or received by, Buadoo.

<sup>6</sup> Although November 14, 2021, was the thirtieth day after Buadoo evidently received notice of the Department’s decision, that date fell on a Sunday. Accordingly, under Maryland Rule 1-203(a)(1), the thirty-day deadline for filing a petition for judicial review was extended to the following Monday, November 15, 2021.

<sup>7</sup> Although a dismissal without prejudice generally permits a party to refile an action, it does not toll, extend, or reset a filing deadline that has already passed. *See Breslin v. Powell*, 421 Md. 266, 291 n.21 (2011) (“Dismissal without prejudice . . . does not bar the plaintiff from refiling the lawsuit *within the applicable limitations period.*” (emphasis supplied) (quotation marks and citation omitted)); *Conwell Law LLC v. Tung*, 221 Md. App. 481, 512 n.20 (2015) (“[D]ismissal with or without prejudice is of no consequence when the applicable statute of limitations period has long since concluded at the time of service[.]” (internal quotation marks and citation omitted)).

administrative decision, they commenced separate actions, each of which was independently subject to the filing deadline set forth in Maryland Rule 7-203. In other words, the 2024 petition was not a continuation of his 2021 judicial review action. Rather, it commenced a new action seeking judicial review of the same 2021 agency decision. Thus, the timely filing of Buadoo’s first petition has no bearing on whether his second petition complied with the thirty-day filing requirement.

*Clinton Community Hospital. Corp., Inc. v. Maryland Comprehensive Health Plan. Agency*, 31 Md. App. 265 (1976), further supports this conclusion. On December 5, 1972, Clinton Community Hospital Corporation (“Clinton”) received notice of a final decision by the Board of Review of the Department of Health and Mental Hygiene (“DHMH”). Clinton filed an “order for appeal” seeking judicial review of that decision in the Circuit Court for Baltimore City pursuant to former Rule B4—the predecessor to Rule 7-203.<sup>8</sup>

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<sup>8</sup> Maryland Rule B4 then provided:

An order for appeal [from an agency decision] shall be filed within thirty days from the date of the action appealed from, except that where the agency is by law required to send notice of its action to any person, such order for appeal shall be filed within thirty days from the date such notice is sent, or where by law notice of the action of such agency is required to be received by any person, such order for appeal shall be filed within thirty days from the date of the receipt of such notice.

Effective July 1, 1993, Rule B4 was superseded by Rule 7-201 *et seq.* In adopting those Rules, the Supreme Court of Maryland “directed that the action [for judicial review of an agency decision] be commenced by the filing of a petition for judicial review, rather than the two documents—the order for appeal and petition—previously required[.]” *Colao*, 346 Md. at 361-62. The Court further “abrogated the authority of the circuit court to shorten or extend the 30-day period for filing the petition.” *Id.* at 362.

DHMH responded with a motion *ne recipiatur*, which the court granted. Clinton appealed that ruling to the Supreme Court of Maryland, which dismissed the appeal on January 28, 1974, “for failure to comply with . . . the record extract rule.” *Id.* at 268. Ten days later, Clinton filed another “order for appeal” in the circuit court, which subsequently entered summary judgment against it. Clinton noted a second appeal. We affirmed, reasoning:

[T]he notice of the Board of Review’s final decision was received by Clinton on December 5, 1972. Hence, Clinton had thirty days from that date to appeal to the Baltimore City Court. It did so, but [the court] granted a motion *ne recipiatur*. Clinton then had its appeal therefrom to the [Supreme Court of Maryland] dismissed. The dismissal of the appeal by the [Supreme Court of Maryland] did not operate so as to confer upon Clinton the right or privilege to intervene or file a new appeal within thirty days of the decision by the [Supreme Court of Maryland]. Assuming *arguendo* that Clinton was an aggrieved party, its right to appeal the [final agency decision], expired on January 4, 1973. The ‘appeal’ entered to the Baltimore City Court on February 7, 1974, was one year and three days too late. It was a nullity.

*Id.* at 269-70.

The reasoning in *Clinton* applies with equal force here.<sup>9</sup> Like Clinton, Buadoo timely sought judicial review of an agency decision, failed to obtain review in the first action, and then initiated a second proceeding after the filing deadline had passed. The dismissal of his initial petition for judicial review in case number 13613 did not revive,

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<sup>9</sup> Although *Clinton* was decided under former Rule B4 rather than current Rule 7-203, that distinction strengthens its force here. Former Rule B4 expressly authorized a circuit court to shorten or extend the filing period for an administrative appeal, whereas Rule 7-203(a) does not. If the dismissal of Clinton’s earlier appeal did not create a new filing period under a rule that permitted judicial alteration of the filing deadline, then the dismissal of Buadoo’s initial petition could not have created one under Rule 7-203, which confers no such discretion.

renew, or extend the Rule 7-203(a) deadline for filing a second petition challenging the same agency decision. Accordingly, because the petition at issue here sought review of that same decision after the filing deadline had passed, the circuit court did not err in ruling it was untimely.

**2. The Department’s alleged failure to transmit the administrative record did not excuse the untimely filing of Buadoo’s petition.**

Buadoo attributes his belated filing to the Department’s alleged failure to transmit the administrative record to the circuit court within sixty days after receiving his October 29, 2021, petition for judicial review, as required by Maryland Rule 7-206(d).<sup>10</sup> As we understand his brief, Buadoo contends the Department’s failure to timely transmit the record in case number 13613 precipitated the dismissal of his initial petition, thereby necessitating the filing of a second petition. In other words, Buadoo appears to argue that, because the Department’s alleged noncompliance with Rule 7-206(d) contributed to the dismissal of his first petition, the court should not have dismissed his second as untimely.

To the extent that Buadoo’s argument rests on alleged error in the dismissal of his original petition for judicial review in case number 13613, we do not address that claim. The judgment dismissing that petition was not appealed and, therefore, is not before us. *See Cottman v. State*, 395 Md. 729, 740 n.10 (2006) (“[T]he appellate court has no power

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<sup>10</sup> In his brief, Buadoo cites Maryland Rule 7-206(b), which sets forth the required content of the administrative record. It is contextually clear, however, that he intended to cite Rule 7-206(d), which governs the time for transmitting the record and provides: “Except as otherwise provided by this Rule, the agency shall transmit to the clerk of the circuit court the original or a certified copy of the record of its proceedings within 60 days after the agency receives the first petition for judicial review.”

to vacate an order where there is no appeal of that order.”). Accordingly, we will limit our review to Buadoo’s argument that, in dismissing the petition in this case, the court improperly permitted the Department to benefit from its own alleged failure to transmit the administrative record in case number 13613.

Even assuming the Department violated Maryland Rule 7-206(d) by failing to timely transmit the administrative record, Buadoo was still required to comply with Rule 7-203(a)’s filing deadline. As noted above, the deadline imposed by Rule 7-203(a) “is not subject to ‘any implied or equitable exception[.]’” *Matter of Hosein*, 484 Md. at 574 (quoting *Colao*, 346 Md. at 362-63). Thus, the circuit court was neither required nor permitted to excuse the untimeliness of Buadoo’s petition based on the Department’s alleged failure to transmit the administrative record in the earlier judicial-review action.<sup>11</sup> Accordingly, the court did not err in enforcing Rule 7-203(a)’s thirty-day filing deadline and dismissing his untimely petition for judicial review.<sup>12</sup>

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<sup>11</sup> Assuming the Department violated Rule 7-206(d) by failing to transmit the administrative record in case number 13613, the proper recourse would have been for Buadoo to file a motion to compel *in that case* or, upon dismissal of the action, to file a motion for reconsideration or a notice of appeal. The alleged violation and ensuing dismissal did not, however, authorize Buadoo to file a new petition for judicial review after the Rule 7-203(a) deadline had elapsed.

<sup>12</sup> In his brief, Buadoo separately argues that “[t]he balance of prejudice strongly favors reinstating the petition[.]” According to Buadoo, while the Department was not prejudiced by the belated filing of his petition, the Department’s “delay . . . in submitting the administrative record was . . . egregiously prejudicial[.]” causing him to “endure[] prolonged uncertainty, expense, and the denial of access to a fair hearing.” Buadoo therefore concludes that, because his resulting prejudice outweighed any prejudice to the

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**3. Equitable estoppel did not preclude the Department from asserting the untimeliness of Buadoo’s petition as a basis for dismissal.**

We next address Buadoo’s contention that equitable estoppel barred the Department from raising the untimeliness of his petition for judicial review as a ground for its dismissal. He claims the Department “cannot now claim procedural default on [his] part . . . when it was [its] procedural misconduct that induced the delay.” This argument is unavailing.

As a preliminary matter, this issue is not properly before us. “Ordinarily, an appellate court will not decide any [non-jurisdictional] issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]” Md. Rule 8-131(a). Buadoo did not invoke equitable estoppel in his opposition to the Department’s motion or otherwise raise the doctrine before the circuit court. Accordingly, he has failed to preserve this argument for our review.

Even if this issue were properly before us, Buadoo would not prevail. “Three essential and related elements are generally necessary to establish equitable estoppel: 1) voluntary conduct or representation; 2) reliance; and 3) detriment.” *Gregg Neck Yacht Club v. County Comm’rs of Kent Cnty.*, 137 Md. App. 732, 773 (2001). In arguing the first and

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Department from his belated filing, equity requires reversal of the court’s ruling and reinstatement of his petition.

Mr. Buadoo’s comparative-prejudice argument presumes that the circuit court was authorized to excuse the untimeliness of his petition in the first instance. Because it was not, neither the asserted absence of prejudice to the Department nor the alleged prejudice to Mr. Buadoo was material to the court’s dismissal.

second elements are met, Buadoo claims that “[a]fter the court’s May 202[4] dismissal without prejudice, [he] was misled by the [Department] into believing that re-engagement or correction of the issue would be forthcoming[,]” thereby “trigger[ing] reliance and induc[ing] delay.”

Assuming, without deciding, that the Department made such representations, and that Buadoo relied on them, he does not suggest, much less establish, what detriment he suffered as a result. As recounted above, the Rule 7-203(a) filing deadline expired no later than November 15, 2021—over two years before the dismissal of Buadoo’s initial petition and any post-dismissal representations the Department may have made. Those representations could not therefore have induced Buadoo to miss a deadline that had long since passed, and his second petition would have been equally susceptible to dismissal had he never relied on them. Accordingly, Buadoo has failed to establish the *detrimental* reliance necessary to support his equitable estoppel claim.

**4. The circuit court was not required to deny the Department’s motion to dismiss as untimely.**

We turn now to Buadoo’s contention that the circuit court erred in considering the Department’s motion to dismiss because the motion was itself untimely under Maryland Rule 2-321(a). Rule 2-321(a) did not govern the Department’s motion to dismiss. *See Matter of Holder*, 268 Md. App. 595, 614 (2026) (explaining that the rules applicable to judicial review proceedings “differ from those governing normal civil claims, which appear

in Title 2 of the Maryland Rules”). Rather, because the Department’s motion was filed in a judicial-review action, Rule 7-204 applied.<sup>13</sup> Rule 7-204 provides, in pertinent part:

(a) **Who May File; Contents.** — Any person, including the agency, who is entitled by law to be a party and who wishes to participate as a party shall file a response to the petition. The response shall state the intent to participate in the action for judicial review. . . .

(b) **Preliminary Motion.** — *A person may file with the response a preliminary motion addressed to standing, venue, timeliness of filing, or any other matter that would defeat a petitioner’s right to judicial review. Except for venue, failure to file a preliminary motion does not constitute waiver of an issue.* A preliminary motion shall be served upon the petitioner and the agency.

(c) **Time for Filing Response; Service.** — *A response shall be filed within 30 days after the date the agency mails notice of the filing of the petition unless the court shortens or extends the time.* . . .

(emphasis supplied).

Although Rule 7-204 imposes a deadline for filing a response and permits a respondent to accompany that response with a preliminary motion seeking dismissal, neither the Rule’s plain language nor its history makes simultaneous filing a prerequisite to the court’s consideration of such a motion. *Cf. Oltman v. Maryland State Bd. of Physicians*, 182 Md. App. 65, 79 (2008) (“Nothing in the language or history of the rule suggests that the right to file . . . a preliminary motion [to dismiss for lack of jurisdiction] is contingent on the Board simultaneously filing a separate response to the merits of the

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<sup>13</sup> In addition to citing Maryland Rule 2-321(a) in the argument section of his brief, Buadoo’s fourth question presented refers to Rule 7-206(b). That section, however, concerns the content of the administrative record rather than motions to dismiss. We therefore address his challenge to the timing of the Department’s motion under Rule 7-204, which governs responses and preliminary motions in judicial review actions.

petition for judicial review.”), *cert. denied*, 406 Md. 746 (2008). In contrast to Rule 7-203, moreover, ““Rule 7-204 expressly grants the court discretion to extend the time for filing a response to the petition; and the language of Rule 7-204 does not preclude the court from exercising that discretion to extend the filing deadline retroactively, after it has passed.”” A.C., 232 Md. App. at 577 (quoting *Dep’t of Pub. Safety & Corr. Servs. v. Neal*, 160 Md. App. 496, 509 (2004), *cert. denied*, 386 Md. 181 (2005)). Accordingly, even if Rule 7-204’s thirty-day period applied to the Department’s motion to dismiss, the court would have had discretion to extend the deadline retroactively rather than reject it as untimely. A.C. illustrates this point.

A.C. petitioned for judicial review of the denial of an administrative complaint she filed with the Maryland Commission on Civil Rights (“the Commission”). On December 16, 2015, the Commission sent A.C. a letter confirming its receipt of her petition and declining to participate as a party in the proceeding. Accordingly, the Commission did not file a response with the court. More than two months later, however, the Commission filed a motion to dismiss A.C.’s petition, which the court granted. On appeal, A.C. argued, *inter alia*, that the Commission’s motion to dismiss—which served as a response to her petition for purposes of Rule 7-204—was untimely because it had not been filed within thirty days of the Commission’s receiving notice of the petition. We held that the court did not err in considering the preliminary motion to dismiss, reasoning that “[a]lthough [Rule 7-204] permits the trial court to reject a late response, it does not require the court to do so.” *Id.* at 577.

Consistent with our holding in *A.C.*, even if Rule 7-204’s thirty-day filing period applied to the Department’s motion to dismiss, the circuit court had “discretion to extend the filing deadline retroactively, after it ha[d] passed.” *Id.* (quoting *Neal*, 160 Md. App. at 509). Thus, even if this issue were properly before us and the Department’s motion were subject to Rule 7-204’s thirty-day deadline, we would hold that the court did not err in considering the Department’s motion to dismiss rather than denying it as untimely.

**5. The record does not reflect that the circuit court disregarded Mr. Buadoo’s opposition to the Department’s motion to dismiss.**

Finally, Buadoo argues the circuit court abused its discretion by failing to address his opposition to the Department’s motion to dismiss. Contrary to his assertion, the court expressly acknowledged that opposition in its order dismissing his petition. In any event, Buadoo has not met his burden of demonstrating that the court disregarded his opposition or the arguments raised therein.

Maryland courts recognize “a distinction . . . between an explicit abdication of discretionary responsibility and the very different circumstance wherein a judge makes the required ruling but simply does so without setting forth any reasoning.” *In re Adoption of Jayden G.*, 433 Md. 50, 87 (2013) (quotation marks and citations omitted). When a court rules without explanation, “[t]he exercise of a judge’s discretion is presumed to be correct, he [or she] is presumed to know the law, and is presumed to have performed his [or her] duties properly.” *Id.* See also *Bangs v. Bangs*, 59 Md. App. 350, 370 (1984) (“A judge is presumed to know the law and to properly apply it. That presumption is not rebutted by mere silence.” (internal citation omitted)).

Consistent with these principles, the absence of an express discussion of each of Buadoo’s arguments does not demonstrate that the circuit court failed to consider them. Nor was the court required to “articulate every step in [its] thought processes.” *Bangs*, 59 Md. App. at 370. Absent an affirmative indication that the court disregarded Buadoo’s opposition, we presume that it properly considered his arguments and found them meritless. Accordingly, we perceive no error.<sup>14</sup>

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

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<sup>14</sup> In a final subsection of his brief, Buadoo claims that “by accepting [the Department’s] tardy motion, ignoring Buadoo’s timely opposition, and allowing [the Department] to repeatedly ignore its duties[,]” the circuit court failed to uphold Rule 1-201(a)’s mandate that “the rules shall be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.” For the reasons set forth above, we perceive no error in the court’s interpretation or application of the relevant Maryland Rules, nor are we persuaded by Buadoo’s summary assertion that “the circuit court’s actions contravened principles of fairness and due process.” (capitalization omitted). As Buadoo raises no new arguments in this subsection, we decline to address it further.