

Circuit Court for Prince George's County  
Case No. CAL1819632

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 619

September Term, 2019

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KAREN DAVIS

v.

PRINCE GEORGE'S COUNTY  
DEPARTMENT OF SOCIAL SERVICES

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Fader, C.J.,  
Reed,  
Adkins, Sally D.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Adkins, Sally D., J.

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Filed: September 28, 2020

\*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.

Appellee Prince George’s County Department of Social Services (“DSS” or the “Department”) made a finding of indicated child neglect after unexplained bite marks were found between the shoulder blades of a foster child with special needs. Her foster mother, Appellant Karen Davis, who had recently allowed a thirty-six-year old man with cognitive disabilities to stay in her house, challenged the Department’s finding at a contested hearing. The Administrative Law Judge (“ALJ”) presiding over the hearing affirmed the Department’s finding, stating:

I conclude as a matter of law that the Local Department has established by a preponderance of the evidence that the finding of indicated child neglect is supported by credible evidence and is consistent with the law. COMAR 07.02.26.14B(2).

The ALJ continued, “I further conclude . . . that [Davis] is an individual responsible for indicated child neglect.” The Circuit Court for Prince George’s County affirmed the decision of the ALJ. Davis now presents three questions for our review:

1. Did the ALJ err in finding that Appellant was neglectful by delaying the registration of a new resident of the household where Appellant was permitted thirty days to complete the registration and the injuries sustained by the child were discovered prior to the conclusion of the thirty-day period?
2. Alternatively, did the ALJ err in finding a causal link between Appellant’s delay and the injuries sustained by the child despite the fact that no evidence was presented that the injuries were sustained as a result of such delay and insufficient evidence was presented to identify when, where, or by whom the injuries may have been sustained?
3. Did the ALJ err in admitting expert opinion testimony regarding bite marks from an unqualified lay witness?

We answer Questions 1 and 2 in the positive, and therefore reverse the judgment of the circuit court.

### **FACTS<sup>1</sup> AND PROCEDURAL HISTORY**

On August 31, 2017, PSI Family Services (“PSI”), a private child placement agency licensed by the Maryland Department of Human Services, placed E. in the home of Davis, a certified foster parent who has cared for over seventy-six foster children. E. is a fourteen-year-old girl with autism, and requires specialized care. She is non-verbal and has a history of injuring herself—typically biting her hands and wrists and picking at her skin. When E. arrived, the household consisted of Davis, her thirteen-year old son (“Son”), and occasionally Dominique, her twenty-four-year-old daughter.

Ten days later, Davis allowed Reginald “Reggie” Dantzler, a thirty-eight-year-old man with autism, to move into her home. Dantzler is nonverbal, and has a limited mental capacity, approximately equivalent to that of a nine-year old. Davis had assisted Dantzler’s mother in caring for him for years, and when she heard that Dantzler’s mother had lost her home, she willingly stepped in to temporarily help care for Dantzler. He shared Son’s bedroom, which was close to E.’s. During weekdays, E. attended school, while Dantzler attended adult daycare. E. got on the bus before 7 am and returned around 3:30 pm. According to Davis, except for a brief period when Dantzler first began living in the home

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<sup>1</sup> We draw the facts from testimony at trial, the DSS reports entered into evidence, and the ALJ’s decision.

and returned from daycare between 4 and 5 pm, he was out of the house before E. woke up, and returned at 7:30 in the evening.

E. spends her weekends with her biological parents, both of whom are developmentally delayed and unable to provide E. with full-time care. They do not physically discipline her. On weekdays, E. rides the bus to and from school. All her classes contain approximately eight children, and the classrooms maintain a small student-to-teacher ratio.

On October 1, 2017, E. returned home after a weekend with her parents. Early the next morning, Davis spotted bruises on E.'s left arm. The next day, October 3, Jessica Goldberg, a PSI social worker, visited E. at Davis's home, and Davis informed her of E.'s bruising. While speaking with Goldberg and showing her E.'s injuries, Davis and Goldberg discovered bite marks and scratches on E.'s left arm. It was during this visit that Davis disclosed to Goldberg that Dantzler was living at her home.

The next morning, October 4, Davis—while bathing E.—found bite marks on her upper back, between her shoulder blades. Davis first called Goldberg and her supervisor at PSI to notify them of the bite marks, and then—believing that the injuries happened at school—brought E. to school for an examination by the school nurse. The nurse concluded that the bite marks were several days old as they had already “scabbed over.” As a precautionary measure, the school moved E. to a new classroom. Donna Armstrong, a Department Child Protective Services (“CPS”) supervisor, photographed E.'s injuries that day. Later that day, Davis brought E. to her physician for her annual examination, where

her pediatrician observed her engaging in the sexually suggestive behavior of pulling her pants down and getting on her hands and knees. Davis requested that the physician examine E.'s vagina based on the sexual poses, but the doctor did not do so.

*Investigation*

One week later, on October 11, Department CPS Worker Kierra Royster went to Davis's home and met with Son, Dantzler, E., and Davis, who was adamant that E. was not injured in her house. She told Royster that the bruises occurred at E.'s parents' house, and that the bites happened at school. Royster witnessed Dantzler and E. alone together in the family room during this visit.

The following day, October 12, Davis received a call from E.'s school nurse, who reported that a teacher observed bruises and swelling under E.'s eyes. Davis immediately passed the information along to PSI. On that same day, CPS worker Danielle Clarke visited Davis's home, where she observed that E. had approximately five bite marks on her left shoulder, right shoulder, and upper back, in various stages of healing. The next day, a PSI coordinator informed Davis that Dantzler needed to be fingerprinted since he was living in the home. Three days later, Dantzler was fingerprinted and passed a criminal background check and one with Child Protective Services.

Royster, as part of her investigation, interviewed E.'s biological parents, who were unaware of any of E.'s injuries. She interviewed three of E.'s one-on-one classroom aides, as well as E.'s teacher, none of whom had any idea how E. was injured. In the last week of October, E. was removed from Davis's home. Royster concluded the investigation, and

made a finding of indicated child neglect, naming Davis as the alleged neglecter. Her report stated that “Davis failed to adequately protect [E.] on numerous occasions and allowed an unauthorized adult in her home with access to the foster youth.” It noted that “[i]t is suspected that [Dantzler] may be the maltreater.” The findings considered that Davis had allowed Dantzler to live in her home without informing PSI that he was there, even after E. had sustained the injuries and demonstrated sexual behavior. Royster’s report noted that Dantzler had slept in a bedroom near E.’s. Davis’s room was further away from E.’s than Dantzler’s.

*OAH Hearing*

The Department notified Davis of its finding in December 2017. The finding, if it stands, would allow the Department to enter Davis’s name into its centralized confidential database. Maryland Code (1984, 2019 Repl. Vol.), § 5-714(d)(2) of the Family Law Article (“FL”); Code of Maryland Regulations (“COMAR”) 07.02.07.10; COMAR 07.02.26.14C. This would effectively end Davis’s long and commendable career as a foster resource for Maryland’s children. Davis, pursuant to FL § 5-706.1, appealed and requested a hearing, which was conducted in April 2018 by an ALJ from the Office of Administrative Hearings.

Davis testified that E.’s initial injuries were sustained when she was with her parents over the weekend of September 29 to October 1. She also stated that it was likely that E.’s more serious injuries were suffered at school. She was adamant that Dantzler could not have been the source of the injuries because he left the house in the morning before E. left

for school, and returned home after E. Son testified that his mother was always around when E. was home, and that E. was never alone with Dantzler. While Son previously noted to Royster in her report that he thought E.'s bruises came from her visit with her biological parents' home, he mentioned her changed demeanor after his mother picked her up from her parents' home on October 1 during his testimony. Royster testified for the Department, echoing her findings in her report.

In June 2018, the ALJ issued his decision, upholding the Department's identification of Davis as responsible for indicated child neglect. The decision begins by noting that Davis "appears to be a caring, loving, involved foster parent," and he "empathize[d] with the emotional situation she dealt with upon realizing that a child she cared for may have been maltreated."

Regarding Dantzler, the ALJ stated:

"if [DHS] or PSI staff were alerted that [Dantzler] was living in the home, they could have addressed whether special protocols might be needed to ensure the Child's safety and wellbeing. Despite [Davis's] testimony to the contrary, there is simply no guarantee that the Child's injuries did not occur overnight while [Davis] and her children were sleeping, despite the fact that [Davis] maintained that she was fully aware of all happenings in her home even while everyone including [Davis] was asleep.

The ALJ rejected the assertion that E. was injured at school and found no basis to conclude that the injuries came from E.'s parents. This determination was based, in no small part, on the bite marks that Davis first noticed on the morning of October 4, with the judge stating: "I am less likely to believe the bite marks occurred at school because the bite

marks were the size of adult teeth indentations and school staff were questioned and it was revealed that [E.] was heavily monitored at school and was not in the presence of any identified biters.”<sup>2</sup>

Because “Davis placed [E.] at substantial risk of harm by failing to ensure that [her] home was not the source of [E.’s] injuries,” the ALJ concurred with the Department’s determination that Davis was responsible for indicated child neglect. Davis petitioned for judicial review of the decision. The circuit court affirmed, and Davis timely appealed to this Court.

### DISCUSSION

When reviewing the decision of an administrative agency, we bypass the judgment of the circuit court and look directly at the administrative decision. *White v. Workers Comp. Comm’n*, 161 Md. App. 483, 487 (2005). Our role “is limited to determining if 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.” *Maryland Aviation Admin. v. Noland*, 386 Md. 556, 571–72 (2005). Substantial evidence is “such relevant evidence as a reasonable mind might accept as

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<sup>2</sup> This finding goes to Davis’s third question, which we do not fully address because we reverse based on Questions 1 and 2. Davis asserts that testimony regarding the bite marks was wrongly admitted because a lay witness for the Department opined that the bite marks were specifically adult bite marks, an opinion that requires expert testimony. The Department counters that such an opinion does not require expertise, and that whether the bite marks were made by an adult was not determinative of the ultimate issue. As the ALJ specifically made a finding of fact regarding the size of the bite marks—and discussed that finding in ruling out the possibility of E. being bitten at school—we disagree with the Department.



adequate to support a conclusion.” *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (cleaned up).

This standard of review is both narrow and expansive. It is narrow to the extent that reviewing courts, out of deference to agency expertise, are required to affirm an agency’s findings of fact, as well as its application of law to those facts, if reasonably supported by the administrative record, viewed as a whole. The standard is equally broad to the extent that reviewing courts are under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law.

*Adventist Healthcare Midatlantic, Inc. v. Suburban Hosp., Inc.*, 350 Md. 104, 120 (1998) (cleaned up).

This court will not affirm the decision of the agency “unless it is sustainable on the agency’s findings and for the reasons stated by the agency.” *Rosov v. Maryland State Bd. of Dental Exam’rs*, 163 Md. App. 98, 110 (2005). We are obligated to review the decision in the light most favorable to the agency, because it is *prima facie* correct and carries the presumption of validity. See *Doe v. Allegany Cty. Dep’t of Soc. Servs.*, 205 Md. App. 47, 55 (2012). The appellant, therefore, “bears the burden of establishing an error of law or that the agency’s final decision was not supported by substantial evidence.” *Id.* (relying on *Taylor v. Harford Cty. Dep’t of Soc. Servs.*, 384 Md. 213, 222–23 (2004)).

Davis argues two reasons as to why the ALJ erred in his finding of indicated child neglect. First, she asserts that her delay in registering Dantzler was not a neglectful act, as she was in compliance with Department regulations. Alternatively, Davis avers that even if she did delay in registering Dantzler, the ALJ erred in finding a causal link between the delay and the injuries sustained by E. A finding of indicated child neglect, she reasons,

requires more than an injured child, it also requires that the harm be caused by the alleged neglect. She claims that the Department failed to allege how the claimed negligent act was causally linked to the harm, and that E.’s injuries would not have been prevented even if Dantzler had immediately been registered on the day he moved into Davis’s home. The Department counters that the ALJ properly found Davis responsible for indicated child neglect because she failed to take the necessary steps to keep E. safe in her home.

The General Assembly defined neglect as:

[T]he leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

- (1) that the child’s health or welfare is harmed or placed at substantial risk of harm; or
- (2) mental injury to the child or a substantial risk of mental injury.

FL § 5-701(s). When DSS investigates alleged neglect, it may arrive at one of three conclusions: indicated, unsubstantiated, or ruled out. COMAR 07.02.07.13. Neglect is “indicated” when there is credible evidence, which has not been satisfactorily refuted, that abuse, neglect, or sexual abuse did occur. FL § 5-701(m).<sup>3</sup>

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<sup>3</sup> “‘Ruled out’ means a finding that abuse, neglect, or sexual abuse did not occur.” Maryland Code (1984, 2019 Repl. Vol.), § 5-701(w) of the Family Law Article (“FL”). A finding is “unsubstantiated” when “there is an insufficient amount of evidence to support a finding of indicated or ruled out.” FL § 5-701(aa).

Here, the Department concluded that neglect was indicated. The elements necessary for a finding of “indicated” child neglect, with no mental injury, are:

[T]he local department may make a finding of indicated child neglect when there is credible evidence, which has not been satisfactorily refuted, that the following four elements were present during the alleged neglect:

- (a) A failure to provide proper care and attention;
- (b) A child victim;
- (c) A parent or caregiver of the alleged victim responsible for the alleged neglect; and
- (d) Circumstances including the nature, extent, or cause of the alleged neglect indicating that the alleged victim’s health or welfare was harmed or was at substantial risk of harm.

COMAR 07.02.07.12(A)(1). A conclusion of “indicated,” then, is appropriate when the ALJ makes findings satisfying those four elements, and those findings are based on credible evidence, not satisfactorily refuted, in the record. In other words, as the Department rightly explains it: “[T]he Department had the burden to show that it was more likely than not that [E.] was harmed or exposed to a substantial risk of harm because of Ms. Davis’s failure to provide her with proper care and attention . . . .”

The Department stresses that “Davis failed to provide [E.] with proper care and attention by not taking protective steps at home to prevent [E.] from being assaulted.” Further, it argues “[t]he Department was not required to prove that [Dantzler] caused [E.’s] injuries or that [Davis’s] failure to report his presence in the home resulted in [E.] being

harmful in order to indicate [Davis] for neglect.” We now look to these two elements of neglect.

*Element (a)—Failure to Provide Proper Care and Attention*

We first review the failure to provide proper care and attention: the neglectful act. The ALJ found that Davis “fail[ed] to ensure that [her] home was not the source of [E.’s] injuries.” Later in the opinion, he clarifies that failure:

The fact remains that [Davis] allowed a nonverbal child with special needs and a fully grown cognitively impaired adult male who acts like a prepubescent child to live in the same home without alerting [Department] staff or PSI staff.

The ALJ ultimately explains the steps taken to register Dantzler:

I commend [Davis] for taking the necessary steps to eventually ensure that [Dantzler] was fingerprinted and a criminal background check performed. However, for the short period of time that [E.] was in [Davis’s] home, albeit a brief time, [Davis’s] actions met the elements of indicated child neglect as set forth in the applicable laws.

There is some dispute as to whether Davis was required to notify PSI about Dantzler.

Davis points to COMAR 07.02.25.04(E)(2), Technical Requirements for Resource Home Approval and Reapproval, which states:

Once the resource home is approved, if any new members 18 years old or older join the household, or if any household members become 18 years old, they shall apply for a criminal background investigation within 30 days of their 18th birthday or of moving into the household.

Davis argues that Dantzler moved in on September 10, and the injuries the ALJ relied on were found on October 4, within 30 days, so she could not have been neglectful in not registering Dantzler. The Department counters, pointing to COMAR

07.05.02.09(B)(3)(b), Certified Foster Parent Restrictions and Reporting Responsibilities, which states that a “certified foster parent shall . . . within 48 hours, notify the agency of changes in the foster parent’s household, including . . . household composition.” (cleaned up).

It appears that the regulation relied on by Davis is limited to state-approved foster resources, while the regulation the Department relies on focuses on private foster care, which includes Davis. Neither the Department, nor the ALJ, however, relied on COMAR 07.05.02.09(B)(3)(b) (notification within 48 hours) in their findings and determinations. On brief to this Court is the first time that the Department raises that regulation, which means it was not the basis for the ALJ’s determination that not registering Dantzler caused substantial harm. The record does not uncover any other specific act by Davis that would satisfy element (a). We therefore do not agree that there was substantial evidence in the record to support a finding that not registering Dantzler with PSI was a failure to provide proper care and attention to E.

*Element (d)—Harm Or Substantial Risk Of Harm*

We further review element (d), the harm or substantial risk of harm, i.e., the consequences of the neglectful act. The ALJ concluded that “[Davis] placed [E.] at substantial risk of harm by failing to ensure that [her] home was not the source of [E.’s] injuries. In doing so, [Davis] failed to give [E.] proper care and attention, which may have resulted in [E.] experiencing bodily injury.” From the Department’s arguments to the ALJ,

and the ALJ's decision, it is clear that two alternative arguments were advanced to satisfy element (d), "harm or exposure to a substantial risk of harm" to E.

The substantial risk of harm presented by the Department and accepted by the ALJ was Dantzler's presence without being registered. A substantial risk of harm "means a real threat to a child's health or welfare during alleged child abuse or neglect." COMAR 07.02.07.02(B)(52). The record, however, does not contain adequate evidence for a reasonable person to conclude the failure to register Dantzler put her at substantial risk. Assuming, *arguendo*, that E. was hurt in the Davis house, registering Dantzler would not have prevented that outcome. During trial, the DHS social worker Royster was questioned by the Department's counsel about the registration process for bringing a new person into the home:

[DEPARTMENT COUNSEL] Q: Okay. And did you come to learn that there's a process with respect to someone else being in the home?

[ROYSTER] A: Yes, there is a process.

Q: And what is it?

A: They have to get a background check, they have to be fingerprinted, and that's basically, yeah, background check and fingerprinted.

Q: Okay. And would a background check include a child protective services background check as well?

A: Yes.

As the record indicates, there are no special protocols necessary for Dantzler to be in the home besides a background check and fingerprinting. He passed his criminal and CPS background checks, and no criminal history was found. In accordance with the process

discussed by Royster, then, Dantzler would have been able to reside in the home without issue.

For harm, the ALJ made the following findings of fact:

18. On October 2, 2017, at approximately 6:00 a.m., [Davis] was bathing [E.] and observed large and small bruising on her left arm.

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20. On Tuesday, October 3, 2017, Ms. Goldberg met with [Davis] for the first time since [E.] was placed in [Davis's] home. During the visit, [Davis] informed Ms. Goldberg of the bruising to [E.'s] arm and informed her that [E.] may have acquired additional injuries including bruising on her face and side while at school.

21. [E.] sometimes engaged in self-injurious behavior such as biting and scratching her arms and picking at her skin . . . .

22. While [Davis] was speaking with Ms. Goldberg and showing her [E.'s] injuries, [Davis] discovered bite marks and scratches on [E.'s] left arm.

23. Ms. Goldberg took pictures of [E.'s] back, chest, and arms.

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27. On October 4, 2017, at approximately 6:00 a.m., [Davis] was assisting in bathing (showering) [E.] and observed bruising on her right arm and bite marks on her back, between her shoulder blades.

28. The injuries visible on [E.'s] back on October 4, 2017 were not present when Ms. Goldberg visited on October 3, 2017.

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34. On October 11, 2017, [Davis] reported to Ms. Goldberg that [E.] had a bruise on her right eye.

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40. On October 12, 2017, [Davis] received a phone call from Paula Young, a nurse at [E.’s] school, informing [Davis] that [E.’s] teacher told her [E.] had bruises and swelling under her eyes.

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44. Ms. Clarke [a CPS worker who visited Davis’s home on October 12, 2017] . . . observed that [E.] had approximately five bite marks located on her left shoulder, right shoulder, and upper back in various stages of healing.

45. The bite marks on [E.] are the approximate size that an adult would make.

Based on these findings, the ALJ concluded that E. must have been bitten in Davis’s home:

Sometime between October 3, 2017 and the morning of October 4, 2017, [E.] had unexplained bite marks on her back. During this window of time, she was not at school, she was not on the school bus, she was not visiting her biological family, and had no contact with anyone outside of [Davis’s] home over night.

This timeline seemingly was chosen by the ALJ because it rules out self-injury and rules out that the injuries occurred outside of Davis’s home. Specifically, the ALJ believed any injuries sustained prior to that night would have been discovered either (1) by Davis during a head-to-toe check of E., or (2) by Goldberg during her visit on October 3. The record, however, does not support this theory.

Discussing head-to-toe checks, the ALJ opined: “[a]lthough [Davis] claims that she did not check the Child’s injuries to her back on October 3, 2017, this is simply not credible if I am to believe [Davis’s] testimony that she checks [E.] from head to toe.” Davis’s



statement about the head-to-toe checks, CPS records, was that “since the prior incident with [E.] sustaining unexplained bite marks and bruises to her body, PSI requested that she check [E.] head to toe daily once she arrives home from school.” That “prior incident with the unexplained bite marks,” however, was October 4. Thus, Davis had not begun checking E. head to toe on October 3, and so she may not have discovered the injuries.

Regarding Goldberg’s visit on October 3, the ALJ found that “[t]he injuries visible on [E.’s] back on October 4, 2017 were not present when Ms. Goldberg visited on October 3, 2017.” Testimony from Royster, however, contradicts this finding. Royster stated that Davis and Goldberg did not conduct a full-body inspection on October 3, and did not remove E.’s shirt to see her upper back, but rather “rolled up her shirt, [where] they noticed more bruising on both her arms, both the left and right arm.” Royster also testified that the upper back bite marks would not have been visible because of E.’s clothing.

Thus, the conclusion that E. sustained bite marks the night of October 3 while in the Davis home is not supported by substantial evidence in the record. The evidence plausibly indicates that the bites were sustained at some point prior to that night, as E. was brought to her school nurse for an inspection on October 5. The nurse stated that the bite marks were “scabbed over, and it looked like it had been there for a couple of days.”

The ALJ, despite his findings of fact about the bite marks and his discussion of them, does not positively rely on them as harm. He writes that “there is nothing in the evidentiary record that establishes how [E.] sustained her injuries.” We agree.<sup>4</sup>

Here, there is certainly evidence that E. was harmed. Nevertheless, as the Department conceded, “the ALJ could not conclude that [Dantzler] injured [E.] . . . .” Moreover, the record lacks substantial evidence to support a finding that the delay in registering Dantzler put E. at a substantial risk of harm. Therefore, no reasonable person could say that the Department satisfied element (d) of indicated child abuse.

### CONCLUSION

The Department asserts that it was not required to prove that Dantzler caused E.’s injuries or that Davis’s failure to report his presence resulted in a substantial risk of harm. We disagree. If it is not proven—which in this case, it was not—that the harm or substantial risk of harm to E. occurred in Davis’s home, findings as to elements (a) and (d) cannot stand, as causation links the elements of indicated child neglect. This interpretation does not square with the Legislature’s definition of neglect, nor the definition of indicated child neglect promulgated by the Department.

To have “a parent or caregiver of the alleged victim responsible for the alleged neglect,” there must be “a failure to provide proper care and attention” by said caregiver, which results in “circumstances . . . indicating that the alleged victim’s health or welfare

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<sup>4</sup> The Department seems to agree as well, and it abandoned the argument that Dantzler bit E., as it states in its brief: “whether the bite marks were made by an adult was not determinative of the ultimate issue in the case.”

was harmed or was at substantial risk of harm.” COMAR 07.02.07.12(A)(1) (cleaned up). Because the circumstances here do not stem from a failure to provide proper care and attention, there cannot be a finding that Davis was the parent or caregiver responsible for the alleged neglect. To hold a caregiver responsible for indicated neglect because of harm to her charge—without evidence supporting a finding that the caregiver failed to provide proper care and attention which led to harm or a substantial risk of harm—would effectively turn caregivers into absolute insurers of their child’s wellbeing, an impossible standard.

For the reasons stated above, the ALJ erred as a matter of law in concluding that child neglect was indicated. Accordingly, the circuit court erred in affirming that conclusion. We therefore reverse, and remand for entry of judgment in favor of Davis.

**JUDGMENT REVERSED. CASE  
REMANDED TO THE CIRCUIT  
COURT FOR PRINCE GEORGE’S  
COUNTY WITH INSTRUCTIONS TO  
REVERSE THE DECISION OF THE  
OFFICE OF ADMINISTRATIVE  
HEARINGS AND ENTER JUDGMENT  
IN FAVOR OF APPELLANT. COSTS  
TO BE PAID BY APPELLEE.**