

Circuit Court for Prince George's County
Case No. C-16-CV-24-002079

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 736

September Term, 2025

IN THE MATTER OF SHAUN URBINA

Shaw,
Ripken,
Battaglia, Lynne A.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Shaw, J.

Filed: June 23, 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).

This is an appeal stemming from a Petition for Judicial Review filed in the Circuit Court for Prince George’s County by Appellant Shaun Urbina, a Police Sergeant, employed by Appellee Prince George’s County Police Department (hereinafter, “The Department”). Following an investigation by The Department’s Internal Affairs Division regarding an unauthorized vehicle pursuit, Appellant was served with a Disciplinary Action Recommendation (hereinafter, “DAR”). Appellant was charged with seven violations. Charge 1, which related to Appellant’s violation of Prince George’s County Code, Section 18-160(a), is the subject of this appeal. Appellant exercised his right to an administrative hearing and the hearing board recommended that Appellant be demoted to Corporal. A hearing was held before the Chief of Police, and he issued a “Final Disciplinary Action” terminating Appellant’s employment. Appellant filed a Petition for Judicial Review in the Circuit Court for Prince George’s County and at the conclusion of a hearing, the court affirmed the decision of the agency. Appellant filed this timely appeal and presents one question for our review:

1. Did the Chief’s decision to increase the AHB’s disciplinary recommendation comply with the procedural requirements set forth in former Md. Code Ann., Public Safety § 3-108(d)?

For the reasons that follow, we hold that the decision of the Chief complied with the procedural requirements, and we, therefore, affirm the decision.

BACKGROUND

On July 9, 2020, officers from the Prince George’s County Police Department (PGPD) were dispatched to a Dash-In gas station in Clinton, Maryland for a disorderly call.

Officers were advised that the occupants of a red Toyota Rav4 were “blowing [their] horn disturbing other customers and the occupants were demand[ing] free gas.” Appellant was one of the responding officers and the on-duty supervisor. When the officers arrived, the occupants fled the parking lot. Appellant pursued the car and the driver eventually lost control of the vehicle and collided with a telephone pole. The driver and front-seat passenger were pronounced dead at the scene of the accident. During the pursuit, Appellant deactivated his emergency equipment prior to the conclusion of the event, failed to terminate the pursuit after advising Public Safety Communications that it had ended, and failed to discontinue the pursuit as the on-duty shift commander.

The Special Investigation Response Team and Collision Analysis and Reconstruction Unit of the PGPD responded to the scene to investigate. A review of Appellant’s Mobile Video System (MVS), the in-car camera system in patrol cars, revealed that during the chase of the suspect’s vehicle, Appellant drove over a sidewalk and curb into a church parking lot and became the lead vehicle in the pursuit. At that time, Appellant’s lights and sirens were activated, and Appellant stated on the radio to another PGPD officer, Lieutenant Rubin, that the officers could disregard the pursuit. However, Appellant remained “behind the Rav4 with his emergency equipment activated, crossing the double yellow line several times, and driving, at times, in excess of 80 miles per hour.” Appellant did not notify the dispatcher that he had continued following the vehicle. The MVS in Appellant’s patrol vehicle showed that he was “within view of the collision,” that

debris from the collision was seen hitting Appellant’s cruiser, and he swerved to miss said debris.

Appellant was indicted in the Circuit Court for Prince George’s County on one count of Misconduct in Office. Appellant pled guilty, and he was sentenced to three years of incarceration, all suspended, and twelve months of supervised probation. Appellant was interviewed on May 26, 2023, with his attorney present, by a PGPD investigator. His report stated that, during his interview:

Sergeant Urbina stated that at the time of the incident, he “. . . didn’t understand or didn’t know the definition of what a pursuit was.” That he “. . . thought a pursuit was when the shift lieutenant and myself or a [sic] acting lieutenant, uh, once that is authorized that is now considered a pursuit.” Sergeant Urbina advised that once he became the lead car in the pursuit, the fact that the fleeing vehicle did not stop made him believe he could continue with the chase. Sergeant Urbina stated that the call for service involving the two erratic individuals at the gas pumps “. . . could have been a commercial robbery, it could’ve been a shooting . . .” Sergeant Urbina admitted that he did not attempt to gather additional information to better understand the call for service at the gas station that would authorize the vehicle pursuit.

A Disciplinary Action Recommendation (“DAR”) was issued on June 27, 2023, charging Appellant with seven violations. Charge 1, the sole focus of this appeal, states:

Prince George’s County Code, Section 18-160(a) Violation of Laws:

“No member of the Police Department shall intentionally violate any law of the United States, the District of Columbia, any state, the County, a county of any other state, or the ordinance of any city or municipality in any state.”

To wit: That on or about January 17, 2023, in the Circuit Court for Prince George’s County, Maryland, the Respondent, Sergeant Shaun Urbina #2903, went before Judge Curry and pled guilty to the sole charge of Misconduct in Office. Sergeant Urbina was sentenced to three years of incarceration, all suspended, and 12 months of supervised probation.

Following the list and description of the seven charges were the disciplinary actions that the Chief of Police intended to take for each of the seven charges. For Charge 1, the Chief proposed that Appellant be terminated. The DAR concluded with an advisement that Appellant had “a right to a hearing on the issues before the Administrative Hearing Board in accordance with MD PUBLIC SAFETY CODE ANNOTATED, § 3-107, 3-108, subject to final determination by the Chief of Police.”

Appellant exercised his right to an administrative hearing, pursuant to former Md. Code Ann., Pub. Safety § 3-107. The Administrative Hearing Board (AHB) convened as a three-person board on February 28, 2024. During Pre-Evidentiary Proceedings, Appellant pled guilty to Charges 1, 4, 5, 6, and 7. The AHB considered all evidence and arguments presented for Charges 2 and 3 and ultimately found Appellant guilty of Charge 2 and not guilty of Charge 3. As to Charge 1, the AHB, after hearing from character witnesses and considering other extenuating information, recommended that Appellant be demoted to Corporal and removed from the promotion cycle for one period. The AHB issued its “Report of Administrative Hearing Board,” and the report was submitted to the Chief of Police. The Chief then issued a written notice to Appellant, that included a copy of the Report of the Administrative Hearing Board, and explained that the AHB had provided recommendations regarding disciplinary action and that:

[p]rior to my determination of whether or not to accept that recommendation, I will extend to you, or your representative on your behalf, the opportunity to present in writing, any facts, legal arguments, or other information that you want me to consider prior to determining the final action to be taken.

Appellant and his counsel met with the Chief and other PGPD executive officers on April 19, 2024. During this meeting, Appellant was reminded, on the record by Lieutenant Dove Robinson, that:

[o]n the 22nd day of March 2024, the Office of the Chief received your Administrative Hearing Board in which the Administrative Hearing Board made disciplinary recommendations. After reviewing your past job performance, the entire record of the Administrative Hearing Board proceedings, the Board report, and considering all facts surrounding the charges in which you were found guilty, the Chief is considering increasing discipline recommendations as to the above listed charges.

Appellant and his counsel were permitted to present statements and arguments, and the Chief and other staff members asked questions.

The Chief later issued a Final Disciplinary Action, terminating Appellant's employment, effective April 23, 2024. Appellant filed a Petition for Judicial Review in the Circuit Court for Prince George's County, and the court affirmed the decision of the agency. Appellant filed a timely appeal.

STANDARD OF REVIEW

When reviewing a decision of an administrative agency, we look through the circuit court's decision and evaluate the decision of the agency. Our primary goal is to determine whether the agency's decision is in accordance with the law or whether it is arbitrary, illegal, and capricious. We conduct a two-fold inquiry, examining whether there is substantial evidence in the record to support the agency's findings and conclusions and whether the agency's decision is premised upon an erroneous conclusion of law. We will uphold the agency's decision as long as it is "not premised upon an error of law and if the agency's conclusions reasonably may be based upon the facts proven. We review de novo an agency's conclusions of law. This includes questions of statutory interpretation.

Hayden v. Md. Dep't of Nat. Res., 242 Md. App. 505, 520-21 (2019) (citation modified) (internal citations omitted).

DISCUSSION

Our focus in this appeal is on the former Law Enforcement Officers' Bill of Rights which was codified by statute as Md. Code Ann., Public Safety § 3-10-114 (2006). The statute was repealed in 2021 by the Maryland Legislature; however, for the instant appeal, former Md. Code Ann., Pub. Safety § 3-108(d)(5), is controlling. The statute's purpose was to provide procedural safeguards for law enforcement officers who are the subject of disciplinary investigations, and to allow departmental heads to increase disciplinary recommendations made by an Administrative Hearing Board, provided that certain conditions were met. Its language provided:

(d)(5) The [police] chief may increase the recommended penalty of the hearing board only if the chief personally:

- (i) reviews the entire record of the proceedings of the hearing board;
- (ii) meets with the law enforcement officer and allows the law enforcement officer to be heard on the record;
- (iii) discloses and provides in writing to the law enforcement officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and
- (iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.**

Md. Code Ann., Pub. Safety § 3-108(d) (emphasis added).

Appellant argues that the Chief of Police failed to comply with the procedural requirements of former Md. Code Ann., Pub. Safety § 3-108(d)(5) prior to increasing the discipline recommended by the AHB. Appellant contends that the Chief failed to provide, on the record, substantial evidence to support an increase in discipline. Appellee counters that the Chief fully complied with the procedural requirements, and stated, on the record, the substantial evidence that he relied upon to terminate Appellant.

In support of his argument, Appellant cites *VanDevander, Sr. v. Voorhaar*, 136 Md. App. 621 (2001), as dispositive of this case. There, petitioner, Steven M. VanDevander, a former Sheriff's Deputy, appealed his order of termination by the Sheriff for St. Mary's County. *VanDevander*, 136 Md. at 624. An administrative hearing board found that he had "used excessive force during an off-duty security assignment, and had been untruthful in reports and statements regarding the incident." *Id.* The board's written disciplinary recommendations were sent to the Sheriff, who "reviewed the board's written recommendations and increased the board's recommended penalty to discharge." *Id.* Following a judicial review in the circuit court, the appellant appealed. Our Court found that the evidence in the case did not support the administrative hearing board's finding that appellant used excessive force. *Id.* at 621. We stated that neither the findings of fact nor the reasons stated by the board constituted substantial evidence. *Id.* at 636. We further held that the Sheriff failed to "state on the record the substantial evidence relied on" but that he did state that he relied on the board's finding. *Id.* at 631. Because that finding lacked substantial evidence, we held that it could not "support an enhanced penalty." *Id.*

In *Rivieri v. Baltimore Police Dept.*, 204 Md. App. 663 (2012), the appellant, Salvatore Rivieri, was terminated from the Baltimore Police Department by the Police Commissioner, after an Administrative Hearing Board found Rivieri guilty of failure to write a miscellaneous incident report, and failure to issue a contact receipt, stemming from an incident that occurred at the Inner Harbor. *Rivieri*, 204 Md. App. at 665. The Administrative Hearing Board recommended that he receive a letter of reprimand, a six-day suspension, and a loss of six days of accrued leave. *Id.* at 666. The Commissioner, however, increased the hearing board’s recommended sanction and terminated appellant. *Id.* On judicial review, the circuit court affirmed the agency’s decision, and Rivieri noted an appeal. He argued, among other things, that the Commissioner “did not support his decision on the record with ‘substantial evidence,’” in violation of Md. Code Ann., Pub. Safety § 3-108(d)(5)(iv). *Id.* at 669.

This Court held that the Commissioner’s decision was supported by substantial evidence. *Id.* at 674-75. We noted that Rivieri did not challenge the findings or conclusions of the hearing board and, thus, had conceded that the guilty findings were based upon substantial evidence. *Id.* at 671. We stated, “*VanDevander* provides little guidance for determining whether a Commissioner’s decision to increase a punishment is based upon substantial evidence if the underlying findings of the trial board are uncontested.” *Id.* at 672.

Here, it is clear from the record that the Chief asked questions during the hearing with Appellant and thereafter, provided, in the Final Disciplinary Action, the following:

That on or about January 17, 2023, in the Circuit Court for Prince George’s County, Maryland, the Respondent, Sergeant Shaun Urbina #2903, went before Judge Curry and pled guilty to the sole charge of Misconduct in Office. Sergeant Urbina was sentenced to three years of incarceration, all suspended, and 12 months of supervised probation.

The Chief then stated:

I do note that during the meeting with me, you stated you accepted responsibility for your actions, which included pleading guilty to Misconduct in Office before the Circuit Court of Prince George’s County for your actions in this pursuit.

While the hearing board recommended a single-rank demotion and removal from one promotional cycle as discipline for Charge #1 – Violation of Laws with regard to the conviction to Misconduct in Office, pursuant to the authority granted to me under the prior Law Enforcement Officer’s Bill of Rights, Public Safety § 3-108(d)(5), I have decided to increase the penalty to termination. **This decision is based on the information provided by you and your attorney during the meeting with me as well as at the hearing board, the facts of the case, and the nature of the misconduct. There is no dispute that you pled guilty to Misconduct in Office and were convicted, sentenced to three years incarceration, suspended, and one year of supervised probation.** You have been employed as a Prince George’s County Police Officer for almost 20 years, and at the time this incident occurred, you had been employed as a police officer for 15 years. **Your conduct in this case was not consistent with the level of training, knowledge, and judgment expected of a 15-year veteran, especially one that was acting Lieutenant and Shift Commander at the time of pursuit. Your misconduct resulted in both a criminal conviction and an integrity violation, which impacts your overall credibility, your ability to testify as a witness for the State as well as remain a certified police officer.**

Accordingly, pursuant to the authority vested in me as Chief of Police for Prince George’s County, Maryland, I am taking final disciplinary action against you as follows:

Charge #1: That you shall be Terminated.

(emphasis added).

Based on this record, we hold that the Chief provided substantial evidence that supported Appellant’s termination. He specified that Appellant’s conduct was “an integrity violation” that impacted his credibility, his ability to testify as a witness, and to remain a certified police officer. As we see it, the evidence, as stated was sufficient and complied with the procedural requirements. It was substantial as it was “what a reasoning mind reasonably could have reached.” *Rivieri*, 204 Md. App. at 673. Accordingly, we affirm.

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