Circuit Court for Prince George's County
Case No.: C-16-CV-24-005130

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1129

September Term, 2025

IN THE MATTER OF
DANIEL AKWARA

Nazarian,
Leahy,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 23, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In February 2024, the Department of Public Safety and Correctional Services, appellee, notified Daniel Akwara, appellant, of disciplinary charges recommending his termination after an investigation revealed, among other things, that Akwara sexually harassed a fellow correctional officer while at work. Akwara challenged the proposed discipline under the Correctional Officers' Bill of Rights. The parties appeared before a Hearing Board, which ultimately issued a written decision finding Akwara guilty of the charges but recommended demotion in lieu of termination. The Department, however, sought and obtained approval from the Secretary to increase Akwara's discipline to termination. Akwara then petitioned for judicial review in the Circuit Court for Prince George's County, which affirmed the decision. This appeal followed.

As best we can tell, Akwara contends that the circuit court erred in upholding his termination for two reasons. *First*, he argues his termination was untimely. *Second*, he argues there was insufficient evidence to sustain the sexual harassment charge. For the reasons below, we shall affirm.

I. Timeliness

Akwara contends that his termination was not timely imposed under Section 11-106(b) of the State Personnel and Pensions Article ("SPP"). That statute does not apply here.

To be sure, "SPP 11-106(b) sets the general time limitation for an agency's disciplinary action [and] . . . prohibits the imposition of discipline more than thirty days after the appointing authority acquires knowledge of the misconduct for which the disciplinary action is imposed." *Richardson v. Md. Dep't of Health*, 247 Md. App. 563,

571–72 (2020). But Akwara was a "correctional officer" within the meaning of the Correctional Officers' Bill of Rights, *see* Md. Code Ann., Corr. Servs. § 10-901(c), which expressly "supersede[s] any inconsistent provisions of any other State law, *including § 11-106 of the State Personnel and Pensions Article*, that conflict with [the Bill of Rights] to the extent of the conflict," Corr. Servs. § 10-903(a) (emphasis added). And the Bill of Rights sets forth that, with exceptions not here relevant, a disciplinary action must be brought against a correctional officer within "90 days after the Intelligence and Investigative Division or the appointing authority acquires knowledge of the action that gives rise to the discipline." Corr. Servs. § 10-907(a).

Here, the Division learned of the incident on November 27, 2023, and issued a notice of disciplinary charges recommending termination to Akwara on February 12, 2024—77 days later. The action was therefore timely under the applicable statute, and this argument lacks merit.

II. Sufficiency

As for whether the evidence was sufficient to sustain the sexual harassment charge, Akwara primarily argues that the Department failed to prove its case "beyond [a] reasonable doubt." It was not required to do so.

Although, under the Correctional Officers' Bill of Rights, the Board makes findings of "guilty" and "not guilty," the proceedings are administrative—not criminal—and the

Board makes its findings by a preponderance of the evidence.[1] Corr. Servs. § 10-910(a)(4). In reviewing this administrative appeal, we look through the judicial proceedings and evaluate the agency's decision. *Motor Vehicle Admin. v. Carpenter*, 424 Md. 401, 413 (2012). For findings of fact, this review is highly deferential. *Kor-Ko Ltd. v. Md. Dep't of Env't*, 451 Md. 401, 412 (2017). Our review "is limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions[.]" *Carpenter*, 424 Md. at 412 (cleaned up). This standard requires only enough evidence that a "reasoning mind reasonably could have reached the factual conclusion reached by the agency." *Comptroller v. FC-GEN Operations Invs. LLC*, 482 Md. 343, 359 (2022) (cleaned up).

Here, Akwara's case consisted only of his own testimony. He denied inappropriately touching the victim. Indeed, he stated that he never touched her, never stood close enough to touch her, and could not recall speaking to her at all on the date of the incident.

The Department, on the other hand, presented significant documentary evidence and testimony from five witnesses. The victim testified and described the incident in detail. She explained that she went to the officers' dining room to eat her lunch. When she walked in, Akwara walked backwards from the hall into the dining room. According to the victim, "Akwara, he was standing on the side of [her], just came over to [her] and wrapped his hands around [her] waist and, . . . groped [her] — . . . , rubbed up and down, . . . [her]

[1] For this reason, it is irrelevant that the criminal charges against Akwara stemming from this incident were dismissed. The Board was required to consider the information presented to it and make an independent finding under a lower burden of proof. *See* Corr. Servs. § 10-910(a).

backside[.]" She immediately shrugged him away and swore at him, at which point Akwara left the room. Video footage from a hallway camera, which was played at the hearing, showed that Akwara arrived just before the victim and left soon after she entered the dining room.

The investigating officer testified that when he asked Akwara about the allegations, Akwara denied ever seeing the victim on the date of the incident. Even after he was confronted with the video footage, Akwara claimed that the time stamp on the video was wrong and had been altered. Akwara later changed his statement and conceded that he had seen and spoken with the victim on the date of the incident, but he denied assaulting her.

The Board concluded that Akwara inappropriately touched the victim. The Board expressly found that Akwara's testimony was not credible, while the victim's testimony was credible and her conduct after the incident supported her version of events. Indeed, "[t]he Board found all witnesses, with the exception of [] Akwara, to be credible." In the end, the Board concluded by a preponderance of the evidence that Akwara had sexually harassed the victim.

On appeal, Akwara repeats his factual claims, claiming primarily that he did not touch the victim. But "[i]t is not our role to retry the case." *Smith v. State*, 415 Md. 174, 185 (2010). "Because the fact-finder possesses the unique opportunity to view the evidence and to observe first-hand the demeanor and to assess the credibility of witnesses during their live testimony, we do not re-weigh the credibility of witnesses or attempt to resolve any conflicts in the evidence." *Id.* Akwara does not point to anything in the record that shows that the Board's factual findings were clearly erroneous.

In short, the Board concluded that Akwara sexually harassed the victim. The Board based its decision on the significant amount of testimony and documentary evidence from the Department—which the Board found credible—directly refuting Akwara's testimony. The decision was, therefore, supported by substantial evidence. Consequently, the circuit court did not err in affirming Akwara's termination.

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