

Bond Case Briefs

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MUNICIPAL CORPORATIONS - MARYLAND

Mayor and City Council of Baltimore v. ProVen Management, Inc.

Court of Appeals of Maryland - March 1, 2021 - A.3d - 2021 WL 772309

City contractor petitioned for review of decision by director of public works denying an additional \$1.6 million in compensation under contract to clean sewers.

The Circuit Court affirmed. Contractor appealed. The Court of Special Appeals denied city's motion to dismiss appeal and remanded with instructions to remand case to agency. City's petition for writ of certiorari was granted.

The Court of Appeals held that contractor's petition was in form and substance a petition for judicial review of agency decision arising under city charter, rather than common law action for writ of mandamus, and, thus, affirmance was not reviewable by Court of Special Appeals.

City contractor's petition for review of decision by public works director to deny additional compensation in recorded proceeding with a transcript was in form and substance a petition for judicial review of agency decision arising under city charter, rather than common law action for writ of mandamus, and, thus, circuit court affirmance was not reviewable by Court of Special Appeals under city charter; although petition alleged violation of due process and director's failure to review entire record and provide sufficient factual basis or adequate opportunity to address claims, most contentions related to substantive compensable claims, and contractor sought to overturn decision on monetary claims with limited remand for determination of damages, rather than order to perform