THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
SAMSON LAWRENCE, III, Employee	OEA Matter No.: 1601-0080-16
v.	Date of Issuance: September 4, 2018
METROPOLITAN POLICE DEPARTMENT, Agency	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Samson Lawrence, III ("Employee") worked as a Police Officer with the Metropolitan Police Department ("Agency"). On April 3, 2014, Agency issued a Notice of Proposed Adverse Action, charging Employee with "conduct constituting a crime whether or not a court record reflects a conviction" and "conduct unbecoming of an officer."[1] The charges stemmed from a November 24, 2013 incident wherein Employee was involved in a domestic dispute with his wife. As a result of the physical altercation, Employee's wife sustained injuries to her head, neck, and hand. On December 19, 2013,

[1] The charges and specifications in the original Notice of Proposed Adverse Action were as follows: Charge No. 1—violation of General Order Series 120.21, Attachment A, Part A-7. Specification No. 1—On December 19, 2013, Employee was indicted for Attempted First Degree Murder, Attempted Second Degree Murder, First Degree Assault, Second Degree Assault, and two counts of Carrying a Weapon with Intent to Injure. Specification No. 2—On January 7, 2014, the District Court of Maryland for Prince George's County issued Employee a Final Protective Order which prevented him from possessing a firearm. Charge No. 2—Violation of General Order Series 120.21, Attachment A, Part A-12. Specification No. 1—On November 24, 2013, the Prince George's County Maryland Police Department responded to Employee's residence regarding a domestic dispute with his wife. Specification No. 2—On January 23, 2014, the Circuit Court of Maryland ordered Employee to be electronically monitored for private home detention. On January 4, 2016, Agency issued an Amended Notice of Adverse Action, vacating Charge No. 2, Specification No. 2 against Employee.

Employee was indicted in the Prince George's County, Maryland Circuit Court for Attempted First Degree Murder, Attempted Second Degree Murder, First Degree Assault, Second Degree Assault, and two counts of Carrying a Weapon with Intent to Injure.

Agency's Adverse Action Panel ("Panel") held an Administrative Hearing on April 7, 2016 and April 21, 2016. On May 24, 2016, the Panel determined that Employee was guilty of each charge and specification levied against him.[2] As a result, it recommended that Employee be terminated. On June 10, 2016, Agency issued its Final Notice of Adverse Action, sustaining the charges against Employee. The effective date of Employee's termination was August 26, 2016.[3]

Employee subsequently filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on August 17, 2016. Employee stated that he was found not guilty on the unjustified criminal charges against him. He further explained that the domestic incident involving his wife did not prevent him from performing the duties of an officer. Additionally, Employee opined that other officers were allowed to retain their positions after being charged and convicted of crimes. As a result, he requested to be reinstated with back pay and benefits[4]

Agency filed its response on September 19, 2016. It denied Employee's claims and requested that OEA conduct a hearing.[5] An OEA Administrative Judge ("AJ") was assigned to the matter in December of 2016. During a prehearing conference, the AJ determined that the Collective Bargaining Agreement ("CBA") between Agency and the Fraternal Order of Police ("Union") limited OEA to determining whether Agency's removal action was based on substantial evidence; whether Agency committed a

[2] Agency recommended termination for Charge No. 1, Specification No. 1, and Charge No. 2, Specification No. 1. It recommended that Employee be suspended without pay for 5 days for Charge No. 1, Specification No. 2.
[3] Employee subsequently filed an appeal with the Chief of Police. However, it was denied on July 18, 2016.
[4] *Petition for Appeal* (August 17, 2016).
[5] *Agency's Answer to Employee's Petition for Appeal* (September 19, 2016).

harmful procedural error; and whether Agency's decision was done in accordance with the law or applicable regulations.[6]

In its brief, Agency argued that there was substantial evidence in the record to support its termination action. It opined that both the documentary and testimonial evidence proffered during the hearing proved that Employee threatened and assaulted his wife. Moreover, Agency noted that the administrative charges were only required to be proven by a preponderance of the evidence; contrary to criminal cases in which the burden of proof is guilt beyond a reasonable doubt. As it related to the harmful error issue, Agency provided that Employee was adequately notified of the charges against him, and he was given an opportunity to be heard by way of a pre-termination hearing. Lastly, Agency maintained that the penalty of termination was appropriate based on a thorough analysis of the *Douglas* factors and the Department's Table of Penalties.[7] Therefore, it requested that the AJ uphold Employee's termination.[8]

Employee filed his reply on August 24, 2017. He argued that Agency violated D.C. Official Code § 5-1031, commonly referred to the "90-day rule." According to Employee, May 7, 2016—the date on which he received not guilty verdicts—marked the conclusion of the criminal investigation investigation under the preceding statute. Thus, he believed that Agency's January 7, 2017 service of its Amended Proposed Notice of Adverse Action violated the 90-day rule because the notice was untimely. Employee further stated that the original Proposed Notice of Adverse Action was devoid of any legal effect because the amended notice constituted Agency's true notice of its intent to terminate him.

Next, Employee contended that Agency violated a provision of the CBA which requires that employees be given a written decision and the reasons therefore no later than fifty-five business days after the employee is notified of the charges or elects to have a departmental hearing (the "55-day rule").

[6] *Post-Prehearing Conference Order* (May 26,2017).
[7] *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (1981)
[8] *Agency Brief* (July 7, 2017).

Finally, Employee stated that Agency misapplied at least two of the *Douglas* factors. As a result, he alleged that Agency's termination action was not supported by substantial evidence.[9]

The AJ issued an Initial Decision on January 22, 2018. He explained that the holding in *Metropolitan Police Department v. Pinkard*, 801 A.2d 86 (D.C. 2002) limited OEA to determining whether Agency's removal action was supported by substantial evidence; whether Agency committed a harmful procedural error; and whether Employee's termination was in accordance with the law and applicable regulations. With respect to the substantial evidence requirement, the AJ noted that Agency's adverse action hearings required a lower burden of proof than Employee's criminal trial. He further stated that Agency conducted a *de novo* administrative hearing and determined that Employee intentionally struck his former wife with a metal light fixture. Additionally, the AJ believed that Employee's conduct reflected poorly on his judgment and character as an officer. After reviewing the record, the AJ concluded that Agency's internal investigation, coupled with witness testimony provided during the administrative hearing, supported a finding that Employee was guilty of each of the administrative charges. Consequently, he held that Agency's findings were based on substantial evidence.[10]

Regarding whether Agency committed a harmful procedural error, the AJ first addressed the 90-day rule, which provides the time in which agencies must commence adverse actions against employees. The AJ stated that the rule, codified in D.C. Official Code § 5-1031, has been amended over the years. He disagreed with Employee's contention that the March 7, 2015 version of the statute should apply in this case because the conduct forming the basis of Employee's appeal stemmed from a 2013 event. Therefore, the AJ relied on the 2004 version of § 5-1031, which did not contain a tolling exception for

[9] *Employee Brief* (August 24, 2018). Employee filed a Supplemental Submission containing additional exhibits on August 25, 2017). Agency filed a Sur-Reply Brief on October 24, 2017, arguing that it did not violate the ninety-day rule or the fifty-five-day rule.
[10] *Initial Decision* (January 22, 2018).

criminal investigations conducted outside of the District of Columbia. Since Employee's November 25, 2013 arrest was the subject of a criminal investigation, but was not tolled, the AJ provided that Agency had ninety business days from November 24, 2013 to propose an adverse action against Employee. Hence, he concluded that Agency's April 3, 2014 Notice of Proposed Adverse Action did not violate § 5-1031 (2004) because Employee was served on the eighty-ninth business day after November 24, 2013. Additionally, the AJ held that Agency's January 16, 2016 Amended Notice of Proposed Adverse Action did not affect the 90-day rule because the original notice placed Employee on proper notice of the allegations against him.[11]

As it related to the 55-day rule, the AJ stated that Article 12, Section 6 of the CBA required that Employee be given a written decision no later than fifty-five days after the date that he was notified of the charges, or the date on which Employee elected to have a departmental hearing. However, he noted that Article 12 contained an exception in Section 6(a), which extends the fifty-five day period when an employee requests a postponement or continuance of a scheduled hearing. After reviewing the documents submitted by Agency, the AJ found that Employee waived the 55-day rule, as it applied to the length of the requested continuances, because his previous attorney requested and/or agreed to postpone the hearing on at least eight occasions. Thus, the AJ determined that, excluding the dates for the hearing and the continuances, Employee was served with a written decision on the forty-seventh business day after he requested a departmental hearing, Therefore, he held that Agency did not violate the 55-day rule.[12]

Finally, the AJ disagreed with Employee's argument that Agency failed to consider or misapplied at least two of the *Douglas* factors. Highlighting the holding in *Stokes v. District of Columbia*, 502 A.2d 1006 (D.C. 1985), the AJ stated that Agency had the primary discretion in selecting

[11] *Id*. at 5.
[12] *Id*. at 6.

an appropriate penalty. He further noted that OEA could only amend the penalty if Agency failed to weigh the factors or if Agency's penalty clearly exceeded the limits of reasonableness. According to the AJ, Agency provided a lengthy and thorough analysis of the *Douglas* factors which demonstrated that it properly exercised its discretion in selecting the penalty of termination. Additionally, he concluded that Employee failed to make a *prima facie* case of disparate treatment. Consequently, Agency's termination action was upheld.[13]

Employee filed a Petition for Review with OEA's Board on March 5, 2018. He argues that the AJ erroneously determined that the 2004 version of D.C. Official Code § 5-1301 applies to the instant matter. According to Employee, relevant case law supports the conclusion that Agency was entitled to a reasonable period following the effective date of the 2015 amended statute to adjust the new "limitation of action provision." Employee further opines that he obtained the right to have the adverse action tolled until the conclusion of the criminal proceedings under the Due Process Clause of the Fifth Amendment. Additionally, Employee asserts that Agency was required to issue the Amended Notice of Proposed Adverse Action no later than ninety days after May 7, 2015, when Employee was found not guilty of the criminal charges. Thus, he believes that MPD violated the 90-day rule because it failed to comply with the requirements of D.C. Official Code § 5-1301 (2015).[14]

Next, Employee asserts that the AJ erred in finding that Agency appropriately applied the *Douglas* factors in selecting the penalty. Specifically, he states that Agency's decision was not based on substantial evidence regarding the consistency of the penalty imposed with those imposed on other employees for same or similar offenses and the potential for the employee's rehabilitation. Lastly,

[13] *Id*. at 8.
[14] *Petition for Review* (March 5, 2018).

Employee argues that the AJ erred in finding that Agency did not violate the 55-day rule. As a result, he requests that the Board reverse the Initial Decision.[15]

In response, Agency contends that it did not violate the 2004 or the 2015 version of D.C. Official Code § 5-1301. It disagrees with Employee's position that the 2015 amended statute is applicable in this case. Regarding the 55-day rule, Agency believes that the AJ properly concluded that the time period for issuing a final written decision was tolled because Employee requested numerous extensions. Agency also maintains that it did not violate the 55-day rule because Employee received his Final Notice of Adverse Action forty-seven business days after he requested an administrative hearing. Lastly, Agency reiterates that it did not abuse its managerial discretion in selecting the appropriate penalty and requests that the Board uphold the Initial Decision.[16]

Ninety-Day Rule

Employee first argues that the AJ should have utilized the amended 2015 version of D.C. Official Code § 5-1301, not its 2004 predecessor, in determining whether Agency violated the 90-day rule. Under the prior version of D.C. Official Code § 5-1301, 51 D.C. Reg. 9404 (September 30, 2004), the ninety-day period for commencing adverse actions was only tolled if the alleged misconduct was the subject of a criminal investigation by a law enforcement agency in the District of Columbia. The 2004 version of the statute provided the following:

> (a) Except as provided in subsection (b) of this section, no corrective or adverse action against any sworn member or civilian employee of the Fire and Emergency Medical Services Department or the Metropolitan Police Department shall be commenced more than 90 days, not including Saturdays, Sundays, or legal holidays, after the date that the Fire and Emergency Medical Services Department or the Metropolitan Police Department knew or should have known of the act or occurrence allegedly constituting cause.

[15] *Id.*
[16] *Agency Answer to Petition for Review* (March 26, 2018).

> (b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department, the Office of the United States Attorney for the District of Columbia, or the Office of Corporation Counsel, or an investigation by the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.

However, D.C. Official Code § 5-1031 was amended effective March 7, 2015. The current statute expands the tolling provision to include criminal investigations by any law enforcement agency within the United States. Subsection (b) of § 5-1031 states the following with respect to the 90-day rule:

> (b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General, the Office of the District of Columbia Auditor, or the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) or (a-1) of this section shall be tolled until the conclusion of the investigation.

It is well-settled that the 90-day deadline is a mandatory, rather than directory provision. Therefore, any violation of the statute by an agency would result in a reversal of the adverse action.[17] The only exception to this rule lies within subsection (b) of the 2004 and the 2015 versions of D.C. Official Code § 5-1031, as both provide a tolling exception pending the conclusion of certain criminal investigations.

Based on the foregoing, this Board finds that the AJ correctly concluded that the 2004 version of D.C. Official Code § 5-1301 applies to the facts of Employee's case. It is undisputed that the event giving rise to the current adverse action occurred on November 24, 2013, when Employee was involved

[17] *McHugh v. Department of Human Services*, OEA Matter No. 1601-0012-95 (November 20, 1995); *Ross v. Department of Human Services*, OEA Matter No. 1601-0338-94 (May 15, 1995); *Robert L. King v. D.C. Housing Authority*, OEA Matter No. 1601-0062-98 (May 24, 2000); *Velerie Jones-Coe v. Department of Human Services*, OEA Matter No. 1601-0088-99 (June 7, 2002); *Curtis Adamson v. Metropolitan Police Department*, OEA Matter No. 1601-0041-04 (February 14, 2006); and *Sherman Lankford v. Metropolitan Police Department*, OEA Matter No. 1601-0147-06 (March 26, 2007).

in a domestic altercation with his wife in Prince George's County, Maryland. On the same day, Detective Christopher Johnson obtained a document that charged Employee with first and second-degree assault. However, the tolling provision under D.C. Official Code § 5-1031(b) was not triggered because the incident allegedly constituting cause occurred in Maryland, not the District of Columbia. Thus, Agency was required to issue the Notice of Proposed Adverse Action within ninety days from November 24, 2013, at the earliest. Agency served its notice to Employee on April 3, 2014, eighty-nine business days after November 24, 2013. Therefore, it did not violate D.C. Official Code § 5-1301 (2004).

Next, we find that Employee's Amended Notice of Proposed Adverse Action did not disturb Agency's compliance with the 90-day rule. In *Lawton v. Department of Veterans Affairs*, 53 M.S.P.R. 153 (1992) and *Fickie v. Department of Army*, 86 M.S.P.R. 525 (2000), the Merit Systems Protection Board ("MSPB") held that there was no law, rule, or regulation prohibiting an agency from amending a notice of proposed removal by deleting some charges and adding others. The legislative purpose of the 90-day rule was to ensure that adverse actions against employees were commenced and administered in a timely manner.[18] The deadline was intended to bring certainty to employees over whose heads a potential adverse action might otherwise linger indefinitely.[19]

Here, Agency issued Employee an Amended Notice of Proposed Adverse Action on January 7, 2016. The notice removed Charge No. 2, Specification No. 2; however, no other changes were made to the remaining charge and specifications. The AJ's finding that Agency did not commit a procedural error was reasonable because Employee was placed on adequate notice of the administrative charges against him in the April 3, 2014 letter. The amendments to the notice were minor and did not substantially alter Employee's procedural due process rights. Moreover, Agency was permitted to rely

[18] *See Bullock-Thomas v. Metropolitan Police Department*, OEA Matter No. 1601-0039-17 (April 30, 2018).
[19] *D.C. Fire and Medical Services Department v D.C. Office of Employee Appeals*, 986 A.2d 419 (D.C. 2010).

on its original Notice of Proposed Adverse Action in calculating the ninety-day period under D.C. Official Code § 5-1301. Lastly, there is nothing in the record to support the conclusion that the ninety-day period provided in D.C. Official Code § 5-1301 is "reset" if an agency issues an employee an amended notice of adverse action. Therefore, we find Employee's arguments to be unpersuasive.[20]

Fifty-Five Day Rule

Employee argues that the AJ erred in determining that Agency did not violate the 55-day rule. The CBA between Agency and Employee's Union, the Fraternal Order of Police, MPD Labor Committee, provides the following in Article 12, Section 6:

> The employee shall be given a written decision and the reasons therefore no later than fifty-five (55) business days after the date the employee is notified in writing of the charges or the date the employee elects to have a departmental hearing, where applicable, except that:
>
> > (a) when an employee requests and is granted a postponement or continuance of a scheduled hearing, the fifty-five (55) day time limit shall be extended by the length of the delay or continuance, as well as the number of days consumed by the hearing.

In the current matter, Employee initially requested a departmental hearing on April 14, 2014. However, before a decision could be issued, Employee requested several continuances; thereby,

[20] *Assuming arguendo* that the 2015 version of D.C. Official Code § 5-1301 applies to the facts in this matter, Employee's argument that Agency violated the 90-day rule would nonetheless fail. The Superior Court for the District of Columbia held in *District of Columbia v. District of Columbia Office of Employee Appeals and Robert L. Jordan*, 883 A.2d 124 (2005), that "the natural meaning of the statutory language . . . is that the 'conclusion of a criminal investigation' must involve action taken by an entity with prosecutorial authority—that is, the authority to review evidence, and to either charge an individual with the commission of a criminal offense, or decide that charges should not be filed." Moreover, in *Metropolitan Police Department v. Fraternal Order of Police /Metropolitan Police Department Labor Committee*, PERB Case No. 17-A-06, Opinion No. 1635 (August 17, 2017), the Public Employee Relations Board ("PERB") provided that an employee's right against self-incrimination did not require D.C. Official Code § 5-1301 (2015) to be read as tolling the period of limitation until trial. The decision further provided that an agency was not prevented from commencing adverse actions against officers prior to trial.

In this case, Employee was initially charged in the District Court of Maryland for Prince George's County with First Degree Assault and Second Degree Assault on November 24, 2013. Under the holding in *Jordan*, November 24, 2013 marked the conclusion of Employee's criminal investigation. While Employee was ultimately acquitted of the charges against him, Agency was not precluded from initiating administrative charges prior to the conclusion of Employee's criminal trial. As previously stated, Agency was permitted to rely on its initial notice as a basis for calculating the ninety-day period. Thus, Agency's April 3, 2014 service of the Notice of Proposed Adverse Action fell within the statutory limitation as provided in the amended 2015 version of D.C. Official Code § 5-1301. Consequently, Agency did not violate the 90-day rule.

triggering Article 12, Section 6(a) of the CBA. The first continuance occurred on May 2, 2014, twelve business days after Employee requested a hearing.[21] Employee subsequently requested continuances on seven different occasions. In each request, he agreed to waive the 55-day rule as it applied to the length of the continuance. The hearing ultimately convened on April 7, 2016 and April 21, 2016. Again, Employee agreed to waive the 55-day rule in between hearing dates. Agency issued its Final Notice of Adverse Action June 10, 2016—thirty-five business days after the conclusion of Employee's hearing. In sum, Agency issued its final notice forty-seven days after Employee requested a hearing. Accordingly, Agency's written decision was issued in less than business fifty-five days. Therefore, Agency did not violate the CBA as it relates to the 55-day rule.

Douglas Factors

Finally, Employee contends that Agency misapplied two of the *Douglas* factors. Specifically, he states that Agency failed to properly apply factor number six[22] (consistency of the penalty with those imposed upon other employees for similar offenses), and factor number ten (the potential for rehabilitation). In *Douglas v. Veterans Administration*,[23] the Merit Systems Protection Board, this Office's federal counterpart, set forth a number of factors that are relevant for consideration in determining the appropriateness of a penalty.[24] With respect to Agency's decision to terminate

[21] April 13, 2014 was Emancipation Day in the District of Columbia. Because the District government was closed on that date, it will not be utilized for the purpose of calculating the 55-day period.
[22] Agency identified this as Factor #7 in its decision.
[23] 5 M.S.P.R. 280, 305-306 (1981).
[24] Although not an exhaustive list, the factors are as follows:

1. The nature and seriousness of the offense, and its relation to the employee's duties, including whether the offense was intentional or technical or inadvertent, or was committed intentionally or maliciously or for gain, or was frequently repeated;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;

Employee, any review by this Office of the agency decision selecting an adverse action penalty must begin with the recognition that the primary responsibility for managing and disciplining an agency's work force is a matter entrusted to the agency, not this Office.[25] Therefore, when assessing the appropriateness of a penalty, this Office is not to substitute its judgment for that of the Agency, but simply to ensure that "managerial discretion has been legitimately invoked and properly exercised."[26]

While Employee disagrees with the assessment of the *Douglas* factors, this Board can find no credible evidence indicating that Agency abused its discretion. It provided a lengthy explanation of the *Douglas* factors in the Notice of Proposed Adverse Action. In its analysis, Agency determined that factor number six was an aggravating factor because the proposed penalty was consistent with the penalty imposed on other members for like or similar misconduct. Moreover, the AJ concluded that Employee failed to make a *prima facie* showing of disparate treatment because the only other employee offered to support his position did not work in the same organizational unit. Regarding factor number ten, Agency provided a comprehensive discussion of why Employee did not have the potential for

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5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency table of penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10. Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

[25] *See Huntley v. Metropolitan Police Dep't*, OEA Matter No. 1601-0111-91, *Opinion and Order on Petition for Review* (March18, 1994); *Hutchinson v. District of Columbia Fire Dep't*, OEA Matter No. 1601-0119-90, *Opinion and Order on Petition for Review* (July 2, 1994).

[26] *Stokes v. District of Columbia*, 502 A.2d 1006, 1009 (D.C. 1985).

rehabilitation. The mere fact that Employee disagrees Agency's assessment is not grounds for reversal. As such, there is no evidence in the record to demonstrate that Agency misapplied the *Douglas* factors. Consequently, we find Employee's argument to be unpersuasive.

Conclusion

Based on the foregoing, this Board finds that the AJ correctly concluded that Agency did not violate the 90-day rule or the 55-day rule. Agency did not err in its application of the *Douglas* factors, and it did not abuse its managerial discretion in selecting the penalty of termination. Accordingly, we find that the Initial Decision was based on substantial evidence.[27] Consequently, Employee's Petition for Review must be denied.

[27] Substantial evidence is defined as evidence that a reasonable mind could accept as adequate to support a conclusion. *See also Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325 (D.C. 2003) and *Black v. District of Columbia Department of Employment Services*, 801 A.2d 983 (D.C. 2002).

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED**.

FOR THE BOARD**:**

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Sheree L. Price, Chair

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Vera M. Abbott

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Patricia Hobson Wilson

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Jelani Freeman

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.