

06/02/21
MD

No: 21-197

IN THE
SUPREME COURT OF THE UNITED STATES

YVONNE O. REIGNAT-VODI /D/B/A SHEPHERDS DRIVING SCHOOL
PETITIONER,

v.

MARYLAND MOTOR VEHICLE ADMINISTRATION
RESPONDENT (S)

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented

- (i) Did the courts follow the Procedural Due process subject to the 14th Amendment due process protection?
- (ii) Did the courts violate the rule and the right to presentation of the Sixth Amendment right to Counsel, under those circumstances the court failed to provide Counsel for petitioner?
- (iii) Did the courts follow the Civil Due Process clauses of the Fifth and Fourteenth Amendments the right for Petitioner to present evidences, witnesses or just based solely on the evidences presented by the Maryland Motor Vehicle Administration?
- (iv) Can a court deny the filed Writ of Certiorari without providing explanation as to why the Writ of Certiorari was not desirable in public interest but proceed with a dismissal of the case without a trial?
- (v) Did the Maryland State courts ignore the fundamental principles of due process in rejecting the case of Shepherds driving school?
- (vi) Whether a pro se petitioner should be denied request for transfer of agency records from the Circuit Court of Prince Georges County as a requirement that the tribunal prepare record of the evidence presented as stated in the Fifth and Fourteenth Amendments?
- (vii) Should the court close a business that pays State and Federal taxes or as per an employee who is hired in the capacity of a General Manager advertising for the business in a private vehicle?

II. LIST OF PARTIES

All parties appeal in the caption of the case on the cover page. The party (s) involved is active with this proceeding.

YVONNE O. REIGNAT-VODI v. MARYLAND MOTOR VEHICLE

ADMINISTRATION

Driver Instructional License and Certification

- (i) Maryland Court of Appeals Case No. COA-PET-0006-2021
- (ii) Maryland Court of Special Appeals Case No. CSA-REG-2390-2019
- (iii) Circuit Court of Prince Georges County Case No. CAL19-29298.
- (iv) Office of Administrative Hearing Case No. OAH No. MDOT-MVA-16-19-29160

III. Table of Contents

	Pages
(i) Questions Presented.....	i
(ii) List of Parties.....	ii
(iii) Related Proceedings.....	ii
(iv) Table of Contents.....	iii
(v) Table of Authorities.....	iv
(vi) Petition for Writ Of Certiorari.....	1
(vii) Opinion Below.....	1
(viii) Jurisdiction.....	1
(ix) Constitutional Provision Involved.....	2,3
(x) Statement of the Case.....	4
1. The Maryland Motor Vehicle falsely claimed that Petitioner employed an individual who was not licensed as a driving instructor to provide driver instructional instruction for compensation.	
2. The Maryland Motor Vehicle Administration falsely claimed that Petitioner failed to make operation and student records available for inspection by the Administration during the school business hours.	
(xi) Argument.....	19
(xii) REASONS FOR GRANTING THE WRIT.....	29
A. The lower court did not follow the procedural due process in the case of Shepherds driving school.	
B. The courts did not follow the V, IV, and XIV Amendments of the United States Constitution in the case of Shepherds driving school.	
(ix) CONCLUSION.....	34
(xiii) APPENDIX	

IV. Table of Authorities

Cases

	Pages
<i>Anderson v. General Casualty Insurance Co</i> , 402 Md. 236 (2007).....	14
<i>Consumer Protection Division v. Morgan</i> , 387 Md. 124 (2005).....	13
<i>Department of Public Safety of Correctional Service v. Cole</i> , 79 342 Md. 12 (1996).....	11,22,30
<i>Long v. State</i> , 371 Md. 72, 807 A. 2d 1 (2002).....	9
<i>Maryland Department of Transportation v. Maddalone</i> , 187 Md. App. 540 (2009).....	13,30
<i>Matthew v. Eldridge</i> , 424 U.S. 319 (1976).....	13
<i>Travers v. Baltimore Police Department</i> , 115 Md. App. 395/at 420 (1997).....	13
<i>Van Devander v. Voorhaar</i> , 136 Md. App. 621 (2001).....	13

V. Constitutional Provisions Involved

	Pages
United States Constitution, Amendment V.....	2
United States Constitution, Amendment VI.....	3

United States Constitution, Amendment XIV.....	3
--	---

Statutes & Rules

28 U.S.C. § 1257 (a).....	2
---------------------------	---

<i>Federal Rule of Civil Procedure Rule 60 (a).....</i>	18
---	----

<i>Maryland Code Annotation. Transportation, II Article 15-109, COMAR</i>	
---	--

11.23.01.19D(8)((9).....	6,10
--------------------------	------

<i>Maryland Code Annotation Transportation, II Article 15-109, COMAR</i>	
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11.23.01.20.(A5).....	14
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IV. — Petition for Writ of Certiorari

Yvonne O. Reignat-Vodi D/B/A Shepherds driving school was subpoena by the Maryland Motor Vehicle Administration on March 14, 2019 at the Office of Administrative hearing, 11101, Gilroy Road, Hunt Valley, MD 21031. Petitioner, Owner of Shepherds driving school located at 7100 Baltimore Avenue, College Park, MD 20740, suite 100, respectfully petition the United States Supreme Court for a Writ of Certiorari to review the judgement of the Court of Appeals Maryland in the case of Shepherds driving school.

V. Opinions Below

The decision of the Maryland Court of Appeals dismissing the case the case of Shepherds driving school was unfair and against the United States Constitutional Amendments. The Court of Appeals Maryland denied Petitioner Petition for Writ of Certiorari on April 23, 2021 and dismissed the case of Shepherds driving school on June 8, 2021. The Order of Chief Judge Mary Ellen Barbera of the Court of Appeals is attached at Appendix (A) at 1a.

VI. Jurisdiction

The Court has jurisdiction over the courts but has vague judgements and constitutional issues. Petitioner/Pro Se filed a Petition for Writ of Certiorari on time with the Court of Appeals Maryland but was denied on April 23, 2021 and dismissed the case of the driving school on June 8, 2021. Appellant submitted two Briefs to

Court of Special Appeals on time but was denied. Three Motions were submitted with the court for extension of time while awaiting Agency records to be transfer to the Court of Appeals. The final Briefs was submitted including agency records on November 2, 2020. The case of the driving school was dismissed on October 13, 2020; Petitioner invokes the Court's Jurisdiction under 28 U.S.C. § 1257 (a) having timely filed the Petition for a Writ of Certiorari within ninety days of the Court of Appeals Maryland judgement in the case of Shepherds driving school.

VII. Constitutional Provisions Involved

United States Constitution , Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual services in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statement of the Case

On March 7, 2019, The Maryland Motor Vehicle Administration issued a verbal instruction that the Administration received a “public complaint” and ordered Shepherds driving school ceased all operations without official notice. Shepherds driving school agreed to cease all operations immediately and followed the orders of Maryland Motor Vehicle Administration. The driving school had been closed for the past twenty-eight (28) months since March 7, 2019 – present. The Maryland Motor Vehicle Administration issued a Subpoena Duces Tecum dated February 1, 2019 to Shepherds Driving School requesting for student files from September 1, 2018 to December 1, 2018. See Appendix 88a, 89a. There was no procedural due process as indicated on the notes dated December 21, 2019 by the Maryland Motor Vehicle Administration. See Appendix 89a. On March 14, 2019, Petitioner received a notice from the Office of Administrative hearing for a trial to appear in court to close the business based on false allegations made by the Maryland Motor Vehicle Administration.

The Maryland Motor Vehicle Administration falsely claimed that Mr. Leonard Albert Davis was not a licensed instructor and gave false names of instructor’s, staffs that did not attend Shepherds driving school. See Appendix 89a- 92a. Comparing and contrast the names on the Maryland Motor Vehicle’s Administration Subpoena Duces Tecum received was false and did not correspond to the corrected names of instructors and staffs. The names listed on the Subpoena Duces Tecum did not match with the

correct full names of Shepherds Driving School instructors, and staffs. See Appendix 92a. This is a clear indication that the Administration made false allegations against Shepherds Driving School. It is a routine that before the instructors were hired, by Shepherds Driving School, Petitioner forwarded instructors information to the Maryland Motor Vehicle Administration driver's educational department for examination and verification. All instructors of the Shepherds Driving School were verified and confirmed by Mr. William Kraft Section Manager, Room 207, Glen Burnie, Maryland Motor Vehicle Administration.

Seventeen charges (17) were filed against Petitioner and the driving school by the Maryland Motor Vehicle Administration. Fifteen (15) of the so-called alleged charges of violations were thrown out of the Administrative court and only "two" charges remained as follows:-.

- (i) The Petitioner employed an individual who was not licensed as a driving instructor to provide driving instruction for compensation. Such as indicated as Instructor Leonard Davis in the Subpoena Duces Tecum
- (ii) The Petitioner failed to make operation and student records available for inspection by the Administration during the school's business hours.

On March 26, 2019, the Administrative Law Judge Michael Wallace of the Administrative Court ordered the driving school remained closed, upholding suspension, pending investigation. After the investigation, the Maryland Motor Vehicle Administration failed to inform the Administrative Court that there were no findings in their so-called investigation and all students records have been submitted

by Petitioner and husband Mr. Smith Vedi to the Administrative Headquarters at

Glen Burnie, Maryland. The Maryland Motor Vehicle Administration did not get back to Petitioner with any report of their findings of their investigation as they crumble in their lies based on false allegations. Instead, the Administrative Law Judge Michael Wallace proceeded with the decision of revoking Shepherds Driving School licensed and certification without no procedural due process.

In COMAR under Maryland Article, 15-109, Annotated Code of Maryland 11.23.01.19D. The most serious violations include a charge for; (i) Fraud in the operation of providing instruction; (ii) A sex offense; (iii) crime or moral turpitude; (iv) contributing to the delinquency of a minor, (v) An offense involving a controlled dangerous substance; (vi) An offense involving alcohol or drugs while operating a motor vehicle; (vii) A felony involving the use of Motor Vehicle. It is quite clear that the driving school did not commit any of these violations. As such, the allegations of violations were the first since the start of the driving school in May 2017 – March 2019. There was no citation, warning, fines on the so-called violations, no conference, mediation, meetings, etc. given by the Maryland Motor Vehicle Administration. It was an immediate suspension and the closure of the driving school.

Shepherds Driving School has been closed for the past twenty-eight months (28) by the Administrative courts since March 7, 2019 - present. Since the commencement of the driving school on May 24th 2017, Shepherds Driving School was Licensed, Insured, and Bonded by the State of Maryland and was certified by the Maryland Motor Vehicle Administration to provide 36 hours driver's education

program services to the public. The driver education program involves thirty hours in classroom education and six hours behind the wheel instructor's training to the public in the State of Maryland.

All instructors of the driving school were hired by Petitioner and was certified by the Maryland Motor Vehicle Administration to provide 30 hours classroom instructional education and six hours behind the wheel instruction to the Public. Shepherds driving school paid both State and Federal taxes for business and for its employee since the start to the closure of the driving school in March 2019 there is a showing and its desirable in the public interest. This is a black owned operating business that involves students from Colleges, Universities, and the public in Maryland.

Here are list of instructor's and staffs who worked for Shepherds driving school from May 2017 – March 2019 as follows:-

- (i) Yvonne O. Reignat-Vodi – Owner/CEO -Instructor's ID- 35488
- (ii) Smith Kwame Oliver Vodi – General Manager
- (iii) Azubuike Nwaolu – Instructor – Instructor's ID- 35195
- (iv) Earl Gary Garner – Instructor – Instructor's ID – 11389
- (v) Eddy Marilyn Ramirez – Instructor – Instructor's ID – 15916
- (vi) Leonard A. Davis – Instructor.– Instructor's ID – 16047
- (vii) Wilfred Sahr Pearce – Instructor – Instructor's ID – 14660
- (viii) Kenneth Lee Seivers – Instructor – Instructor's ID – 35534
- (ix) Tamba Dunyakor Esseh-Kaminjah – Instructor's ID – 11779

(x) — Samuel Torres Quinoga — Instructor — Instructor's ID — 13805 —

- (xi) Jessica Michaca Contreras — Secretary I
- (xii) Estella Vadefane — Secretary 2
- (xiii) Glenda Lisbeth Mejia Mena — Secretary 3
- (xiv) Jennifer A. Cruz — Secretary 4 and
- (xv) Volunteers Church staffs at Shepherds of Zion Ministries Intl. Church —
Substituting Receptionist

The instructors listed above provided classroom and behind the wheel instruction to all Shepherds Driving School students. All student records for both classroom and behind the wheel instruction were signed by Petitioner and the certified instructors listed above.

The Maryland Motor Vehicle Administration claimed that Petitioner employed an individual who was not licensed as a driving instructor to provide driving instruction for compensation.

On May 2017, Mr. Smith Kwame Oliver Vodi who is Petitioner's husband was hired as the General Manager of Shepherds Driving School. Mr. Smith Vodi was previously licensed as a certified driving instructor by the Maryland Motor Vehicle Administration and worked for Admiral driving school. Mr. Smith Vodi was also an approved interpreter for the Maryland Motor Vehicle Administration for both Circuit and District Court in the State of Maryland. Mr. Smith Vodi driver instructional licensed was revoked on June 5th 2012 based on false allegations by the Maryland Motor Vehicle Administration. As such, there was no warning, citation given to Mr.

Smith-Vodi on the so-called-allegations—Mr. Smith-Vodi was asked to pay a fine of one \$2,000.00, but the fee option was cancelled by the Maryland Motor Vehicle Administration. There was no procedural due process in the case of the revocation of Mr. Smith Vodi driver instructor's license and certification.

Mr. Smith Vodi an immigrant, came to the United States to seek better life, dream big, help his family, and the Community was forced to sign a “consent order” under duress and was threatened by Mr. William Kraft driver's educational services of the Maryland Motor Vehicle Administration, and if Mr. Smith Vodi do not sign the consent order he will be deported to his Country of origin. The fear of Mr. Smith Vodi to be deported to his Country made him signed the consent order. In addition, *the courts cannot modify a consent order without giving the parties notice and an opportunity to be heard because to do otherwise would violate the parties' right to due process* *Long v. State*, 371 Md 72, 807 A. 2d 1 (2002). Mr. Smith Vodi now a Citizen of the United States is ready to fight back, hold the Maryland Motor Vehicle Administration accountable for hate, prejudice, and discrimination.

The revocation of Mr. Smith Vodi driver's instructional license does not prohibit him to work in the capacity of a General Manager of the driving school. As such, there is no rule under the Maryland Annotated Code Regulations COMAR 11.23.01 driving schools, which states that Mr. Smith Vodi should not be hired by Shepherds Driving School as the General Manager and performed such duties.

The evidences presented by the Maryland Motor Vehicle Administration was insufficient to prove that Petitioner hired an individual who was not licensed as a

driving instructor to provide any driving instruction for compensation. The Maryland Motor Vehicle Administration violated COMAR, and wrongfully used *Annotated Code of Maryland Article 15-109 11.23.01.19D(8)(9)*; Acting in a manner that is unsafe for students participating in the program, and COMAR 11.23.01.D.(9). Permitting instruction in the operation of a motor vehicle while an instructor's license is refused, suspended, or revoked. Mr. Smith Vodi has not been an instructor since June 5 2012 and do not hold a driver instructional license. Mr. Smith Vodi surrendered his driver instructor's licensed to Mr. William Kraft, Assistant Manager drivers educational service, Room 207, Glen Burnie, Maryland. Mr. Smith Vodi was hired at Shepherds driving school as a General Manager and NOT as a driving instructor. There was no proof by the Administration that the vehicle Mr. Smith Vodi was driving was the driving school's vehicle. All students were driven by Petitioner, and the driving school's eight (8) instructors certified by the Maryland Motor Vehicle Administration. Shepherds Driving School witnesses including instructors, and staffs did not testify during the Administrative court hearing. This is against the constitutional law for not letting the driving school witnesses testify.

Written testimonies of the driving school students were presented to Administrative Law Judge Michael Wallace but failed to accept the testimonies in the case of the driving school. No students or staffs testify during the Administrative hearing of seeing Mr. Smith drove students in training vehicles at the driving school.

The Circuit Court of Prince Georges County affirmed the decision of the Administrative courts based on alleged marketing videos found on the internet and

entered evidence without any testimony from Mr. Smith Vodi neither the alleged student Mr. Jipei Cui, It is a fact that during the Administrative court proceedings, the authenticity of evidence must be established. *“Department of Public Safety & Correctional Service v. Cole* 79 342 Md. 12(1996). The Maryland Motor Vehicle Administration introduced the testimonies of investigators as a way of making their decision for the revocation of the driving school's license and certificate. There was no evidence that the videos are what the Maryland Motor Vehicle Administration claimed they are and what the courts apparently found them to be. The video evidence presented by the Maryland Motor Vehicle Administration has no elements of violation of the Maryland Transportation Article and COMAR 11.23.01 section 15-709. Mr. Smith Vodi was fully aware of his duties as a General Manager and performed such duties at the driving school. As such, those videos were taken from Shepherds Driving School social media page on Facebook.

Mr. Smith Vodi did not accept any compensation from students at the driving school. There was no evidence by the Maryland Motor Vehicle Administration of Mr. Smith Vodi's signature could not be found on any of the student records. The allegations by the Maryland Motor Vehicle Administration were untrue and was used to damage the character Mr. Smith Vodi, and the reputation of Shepherds Driving school. It was Petitioner's request during the Administrative hearing that the Maryland Motor Vehicle Administration present to the Administrative court proofs of the alleged student Jipei Cui driving school's records, but the Maryland Motor

Vehicle Administration failed to do so. Evidently, Mr. Jipei Cui did not attend

Shepherds driving school based on his Learner's permit. See, Appendix.83a

Former Counsel Shepherds Driving School, Erek Barron filed a petition for judicial review on August 29, 2019 stating that the Maryland Motor vehicle's Administration decision to revoke the license of the driving school was unreasonable without authority based on the evidence submitted during the Administrative hearing. All video evidences were taken from Shepherds Driving School's social media page and the Maryland Motor Vehicle Administration failure to make available posted business hours was insufficient and unfair.

The Administrative court failed to determine the videos presented in court whether Mr. Smith Vodi was acting as an unlicensed driving instructor or creating an advertisement video for the driving school. The Administrative Court failed to determine through forensic evidence whether the vehicle Mr. Smith Vodi was driving was his personal vehicle or the driving school's vehicle. There were no proofs of the Maryland Motor Vehicle investigators at the Administrative hearing showing that Mr. Smith Vodi was acting as an instructor driving students as the alleged student Mr. Jipei Cui did not attend Shepherds driving school.

The Maryland Motor Vehicle Administration would have clarified such evidence at the Administrative hearing if it would have been done during their so-called inspectors from the compliance department of the Maryland Motor Vehicle Administration. The claim by the Maryland Motor Vehicle Administration inspectors that Mr. Jipei Cui was a student of Shepherds driving school was false. There was no

violation committed by the driving school. It is evident in the court records that out of nine hundred plus students that attended Shepherds driving school from May 2017 to March 2019, only two students reported Petitioner, the driving school, and its instructors to the Maryland Motor Vehicle Administration.

The Administrative court proceedings violated Shepherds driving school and Petitioner's right to due process as the decision was not supported by substantial evidence. *Matthew v. Eldridge*, 424 U.S. 319 (1976) initiated that Administrative hearings are granted "flexible due process" considering cost benefit analysis test balancing, these three factors; the private interest that will be affected by the actions of officials, the chance of an erroneous determination through the process accorded and the probable value of added procedural safeguards; and the public interest and administrative burdens, including cost, that additional or substitute procedures would entail. Maryland courts have found limits to this flexibility. Example, Even though hearsay may provide the sole basis for an administrative decision, it still must demonstrate sufficient reliability and probative value to satisfy the requirement of procedural due process." *Travers v. Baltimore Police Department*, 115 Md. App. 395 (1997).

It is a fact that administrative decisions required due process and must be supported by substantial evidence. *See e.g., Maryland Department of Transportation v. Maddalone*, 187 Md. App. 549 (2009); *Consumer Protection Division v. Morgan*, 387 Md. 125 (2005); *Van Devander v. Voorhaar*, 136 MD. App. 621 (2001). This requirement applies to facts and inferences. *Travers*, 115 Md. App. at 420; *see also*

Anderson v. General Casualty Insurance Co., 402 Md. 236 (2007). The Administrative

court hearing lacked procedural process and evidently safeguards, the decision was supported by insufficient evidence, and even assuming the violations were proven, the resulting punishment to Petitioner and the driving school was unreasonable.

The Maryland Motor Vehicle Administration claimed that Petitioner failed to make operations and student records available for inspection by the Administrative during business hours.

Shepherds Driving School did not deny access of Maryland Motor Vehicle inspectors for the inspection of student records. All student records were made available for inspection. In COMAR Under Transportation Article, 15-109, Annotated Code of Maryland, 11.23.01.20.(A5), A business office of a licensed drivers' school shall; "Be open for business to the public and open for inspection by the Administration during posted business hours; No evidence was presented by the Maryland Motor Vehicle Administration during the Administrative hearing serves as a proof that the investigators went to the driving school during posted business hours.

There were no posted business hours in COMAR by the Maryland Motor Vehicle Administration. But the Maryland Motor Vehicle Administration used the above rule in the case of the driving school as a false claim stating that Petitioner failed to make operational student records available for review. Apparently, twelve (12) white binders of student records from the term May 2017-March 7, 2019 finished and unfinished were handed over in person by Petitioner and her husband Mr. Smith Vodi to Ms. Lacheryl Jones, David C, Merkin and William Kraft of the Maryland

Motor Vehicle Administration on March 27, 2019 and March 29, 2019, respectively.

Evidence of student records to the Maryland Motor Vehicle Administration on March 29, 2019 after the Administrative hearing can be found in the Appendix 131a.

On February 7, 2020, Petitioner filed an appeal with the Maryland Court of Special Appeals. First, to be clear, there were no Agency records transferred from the Circuit Court of Prince Georges County Maryland to the Court of Special Appeals at the start of the case of the driving school. Agency records must be transferred for the court to be able proceed with the case, instead the court proceeded issuing out fake orders while Petitioner await Agency records from the Circuit Court of Prince Georges County to the Court of Special Appeals, but the court failed to do so. This is in violation of the constitutional laws.

Due to the delay of the Circuit Court of Prince Georges County transferring Agency records to the Court of Special Appeals, Petitioner filed three (3) motions to extend time for filling Petitioner briefs. There were no delays as the motions were filed on time. First Motion to extend filling was filed on August 26, 2020; Second Motion filed on September 14, 2020 and Third Motion file on September 24, 2020 . Two of the motions were denied by the Court of Special Appeals, knowingly that Prince Georges Circuit Court have not transfer agency records to complete the Petitioner's Briefs. The second motion to Extend Time requested by the Maryland Court of Special Appeals requested that Petitioner filed it Briefs for the case of the driving school. Petitioner filed two Briefs with the Court of Special Appeals and both briefs were denied because there were no Agency records with its inclusion to

complete Petitioner's corrected Briefs. Then, the third motion to extend time for filing was submitted to the Court of Special Appeals on September 24, 2020.

On August 11, 2020, the Court of Special Appeals issue an order directing the Circuit Court of Prince Georges County to transmit Agency records with its inclusion. A third motion of extension of time was submitted to the Court of Special Appeals on September 24, 2020. Petitioner knowing that the transfer of Agency records to the Court of Special Appeals were late for the submission of corrected briefs, eventually Petitioner submitted the third briefs including agency records.

There was a lot of inconsistencies with the Court orders identified by Petitioner to the Court of Special Appeals but were not corrected. Clerical mistakes on case numbers made on the Court docket entries were identified by Petitioner to the Court of Special Appeals but no action was taken. The Court of Special Appeals granted the Maryland Motor Vehicle Administration an extension of time to submit its briefs, while Petitioner was still waiting for Agency records to be transferred from the Circuit Court of Prince Georges County to the Court of Special Appeals. No briefs were submitted to the Court of Special Appeals by the Maryland Motor Vehicle Administration. The third Briefs with Agency records and its inclusion was submitted to the Court of Special Appeals on November 2nd 2020.

Transfer of Agency records from the Circuit Court of Prince Georges County Maryland to the Court of Special Appeals is a requirement that the tribunal prepare record of the evidence presented as stated in the Fifth and Fourteenth Amendments of the United States Constitution. The Court of Appeals failed to acknowledge the

negligence of the Circuit Court of Prince Georges County for not transferring Agency records on time but willfully dismiss the case of the driving school with prejudice on October 30th 2020.

On March 1, 2021 Petitioner filed an appeal with the Court of Appeals Maryland together with a Petition for Writ of Certiorari for the case of Shepherds driving school. The Petition for Wirt for Certiorari was filed on time. On April 23, Petitioner received an order that the Writ of Certiorari has been denied by the Court of Appeals, and on June 8, the case of the driving school was dismissed.

Several questions were raised by Petitioner to the Clerk and Chief Judge as to why the Case of the driving school has no showing that review by certiorari is desirable and in public interest? Shepherds driving school was an educational institution that provide service to the public. The driving school was licensed, insured, and bonded by the State of Maryland to provide driver education. A thirty-six-hour driver education program to the Public as such Shepherds driving school file it taxes each year and employed certified instructors by the Maryland Motor Vehicle Administration to provide driver's educational services to the public. Therefore, it is a show that the driving school is desirable and in the public interest. The Clerk, Suzanne Johnson and the Chief Judge Mary Ellen Barbera of the Maryland Court of Appeals failed to answer questions presented by Petitioner dated May 25, 2021. See Appendix 31a,39a-47a.

There was too many mistakes and irregularities on the court orders and decisions of the Maryland Court of Appeals. Petitioner noticed a significant error on Chief Mary Ellen Barbera's Order dated April 23rd 2021 stating the "Petitioner filed a Writ of Certiorari at the Court of Special Appeals" Maryland. This was incorrect, as Petitioner filed Petition of Writ for Certiorari to the Court of Appeals Maryland and not vice versa. Subsequently, on the Court of Appeals letter dated May 13, 2021 it states, "We are treating your pleading as motion for reconsideration" see Appendix 32a. Petitioner has grounds in the case of Shepherds driving school and did not make a plea with the Court of Appeals. This was a false claim by the court, Petitioner Objected to the Chief Judge's order dated May 10, 2021. As such, Objection and a plea are two different factors. See Appendix 60a-68a.

It is evident that clerical mistakes can be corrected by the courts, but the Court of Appeals failed to do so, as such dismissed the case of the driving school. Federal rule of Civil Procedures Rule 60 (a) Relief from a Judgement or Order ¹.

¹ Rule 60 (a) Relief from a judgement or Order. Corrections based on Clerical Mistakes Oversights and Omissions; The Court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgement, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave

ARGUMENT

On March 26, 2019 in the case of the driving school, the Maryland Motor Vehicle Administration failed to follow procedural due process. Shepherds driving school staffs, witnesses did not testify during the Administrative hearing and in the Circuit Court of Prince George's trial.

The Maryland Motor vehicle Administration had seven witnesses testified during the Administrative hearing and none of Shepherds driving school instructors, staffs, present at the hearing were given the chance to testify. This is against the United States Constitution XIV Amendment. The Administrative Court ruling in favor of the Maryland Motor Vehicle Administration was unfair and shows lack of credibility, and the manipulative act between the Maryland Motor Vehicle Administration and the Courts. The Administrative Court revoked the license and certification of Shepherds driving school without following procedural due process. The Administrative Court failed to inquire with the Maryland Motor Vehicle Administration if they have followed the basic standard operational procedures in the case of Shepherds Driving School. As such closed the driving school on March 7, 2019.

Maryland Motor Vehicle falsely claimed that Petitioner hired and unlicensed driver instructor to work for Shepherds driving school.

On January 9, 2020 during the Circuit Court of Prince Georges County hearing, the Maryland Motor Vehicle Administration claimed that Petitioner hired

an unlicensed instructor. This was a false claim as Mr. Smith Vodi, who is Petitioner's husband was hired as the General Manager and performed such duties. Though Mr. Smith Vodi's instructional license was wrongfully revoked on June 5, 2012 without the due process followed by the Maryland Motor Vehicle Administration. However, the revocation of Mr. Smith Vodi's instructional license and badge does not prohibit him to work as the General Manager for Shepherds driving school. As such, there is no rule in the code of Maryland Agency Regulations COMAR 11.23.01 driving schools that prohibits Mr. Smith Vodi should not work in the Capacity of a General Manager for Shepherds driving school.

There was no evidence presented during the Administrative hearing except the false video taken from Shepherds Driving School social media page with the alleged student Mr. Jipei Cui who did not attended the driving school driving along with Mr. Smith Vodi to his church's Feeding the Hungry Food Distribution program. A copy of Mr. Jipei Cui's license was handed over to the Administrative Law Judge Michael Wallace during the Administrative hearing. See Appendix 83a.

Petitioner requested that the Maryland Motor Vehicle Administration provide proof of Mr. Cui's driver educational courses both classroom and behind the wheel records including his Soundex number to the courts as a proof if Mr. Jipei Cui attended Shepherds driving school. The Maryland Motor Vehicle Administration failed to hand over certified driver education records of Mr. Cui to the court during the Administrative hearing.

More so, There were no investigators from the Maryland Motor Vehicle Administration in the private vehicle with Mr. Smith Vodi to testify during the Administrative hearing that he/she was in the vehicle with Mr. Smith Vodi and Mr., Jipei Cui when the video was posted on social media. The video reflecting the vehicle presented in court was not Shepherds Driving School Training vehicle. It was a private vehicle with no training features such the Maryland Motor Vehicle training stickers on it neither with the name "SHEPHERDS DRIVING SCHOOL", boldly written on all school vehicles. Also, shepherds driving school training vehicles has the Maryland Motor Vehicle approved Training Vehicle decals on the front windshield. The vehicle was Mr. Smith private vehicle, which was registered under Petitioner 's name with the Maryland Motor Vehicle Administration.

Further, the Maryland Motor Vehicle claimed during the Administrative hearing that Mr. Smith wore a T-Shirt emblazoned the word "instructor". It is obvious that Petitioner who is the owner of the driving school designed T-shirt to advertised for shepherds driving school. T-shirt were given to instructors, staff members and student volunteers that attended the driving school free as a way of doing publicity to enable new customers to register for the driving school. Petitioner has no restriction of who wore the t-shirts as all instructors, staffs, volunteer staffs, were allowed to wear the T-shirts. Samples of the T-shirts were taken to court during the Administrative hearing as a proof that the t-shirt was designed by Petitioner, but Administrative Law Judge Michael Wallace rejects the t-shirt evidences.

The evidences were not as the Maryland Motor Vehicle Administration claimed it to be. During the court's proceedings, the authenticity of evidence must be established. *Department of public Safety & Correctional Service v. Cole* 79 342 Md. 12 (1996). The Maryland Motor Vehicle Administration further introduced false testimonies of investigators as a way of making their decision for the close of Shepherds driving school.

The Maryland Motor Vehicle Administration presented a vague argument during the Administrative court hearing against Mr. Smith and based solely on a false claim that Mr. Smith Vodi drove a student but failed to tell the courts the description of the vehicle that Mr. Smith Vodi was driving with the alleged student. Mr. Jipei Cui was not present and did not testify during the Administrative hearing neither the Circuit Court of Prince Georges trial. The video was solely for marketing and promotional purposes and was done during Christmas season to say thank you to our students for choosing the driving school. Nothing else was in exchange for the videos and did not caused any harm to the public. There was a lot of errors, irregularities, and manipulation during the Administrative hearing. Also, there were too many errors in the original court transcript of Shepherds driving school and Petitioner finds that very misleading by the courts during the Circuit Court and Administrative hearing.

Second, The Maryland Motor Vehicle Administration falsely claimed that Mr. Smith Vodi drove alleged student Ms. Leena Mohamed a former student of Shepherds driving school between September 2018 – December 2018. Mr., Smith Vodi did not

drove Ms. Leena Mohamed. The two certified instructors that drove Ms. Leena Mohamed was State Trainer Earl Garner and Mr. Leonard Albert Davies. The two instructors were certified by the Maryland Motor Vehicle Administration and was hired by Petitioner at the driving school. See Appendix 86a, 87a. Mr. Earl Garner has worked with Shepherds driving school since the commencement of Shepherds driving school in May 2017 until March 2019 when the driving school got closed by the Maryland Motor Vehicle Administration. Both instructors were present during the Administrative hearing but were not called to testify. All classrooms and behind the wheel records was signed by Petitioner, and the two certified instructors, Mr. Earl Garner and Mr. Leonard Davies for Ms. Leena Mohammed were submitted to the Administrative Law Judge Michael Wallace during the Administrative hearing for verification. The Administrative court did not call Instructor Trainer Mr. Earl Garner and Instructor Mr. Leonard Albert Davies who the alleged student reported to testify during the Administrative hearing.

Ms. Leena Mohammed in her testimony during the Administrative hearing confirmed to Administrative Law Judge Michael Wallace that she completed her (36) hours classroom lesson with Petitioner, and six hours behind the wheel lessons with both instructors Mr. Earl Garner and Mr. Leonard Davis and have passed her driving test with the Maryland Motor Vehicle Administration and obtained her Provisional Driver's License. This act by the Administrative court is in violation of the VI Amendment of the United State Constitution for not allowing the driving school's witnesses to testify during the Administrative hearing.

Maryland Motor Vehicle falsely claimed that Petitioner/Licensee failed to make operations and student records available for inspection by the Administrative during school business hours.

All student records were made available to the Maryland Motor Vehicle Administration inspectors upon their visits to the driving school. The inspectors were not denied access to student records as they have been coming to the driving school to inspect student records since May 2017-March 2019. As such, the inspectors wanted to take the records away without any proper certified documentation signed between the driving school and the Maryland Motor Vehicle Administration. Though it seems like the inspectors were on a fishing expedition as stated by former Counsel of Shepherds driving school Bert Kapinus , Petitioner allowed the inspectors to review and take the records with them, the inspectors did not take the records away but promised to come back at 12:30pm after class time to pick up student records. But the inspectors did not come back to Shepherds driving school to pick up the records requested by the Maryland Motor Vehicle Administration.

The Maryland Motor Vehicle Administration failed to establish a necessary element of regulatory violation, for the driving school's posted business hours. No evidence was introduced during the Administrative hearing to substantiate that their investigators went to the business during posted business hours. The inspectors of the Maryland Motor Vehicle Administration falsely testify that there was valid evidence of them going to the driving school to obtain records. All student records were made available for inspection. The inspectors were not denied access to student

records but failed to come after class session to the driving school as they promised

to pick up the records but did not show up. Petitioner, and Mr. Smith Vodi took all students records to the Administrative hearing on March 26, 2019; but the Maryland Motor Vehicle Administration failed to accept the required student records. Eventually, Petitioner and Mr. Smith Vodi took all student records to the Maryland Motor Vehicle Administration Headquarters at 6601 Ritchie Highway, Glen Burnie, MD 21062, Room 207 and handed over in persons to Ms. LaCheryl Jones, Mr. David C. Merkin and Mr. William Kraft of the Maryland Motor Vehicle Administration on the March 27th 2019 and March 29th 2019 respectively. See Appendix 129a, 130a.

On August 29, 2019 former Counsel for Shepherds driving school Erek Barron demanded the Circuit Court of Prince Georges County vacate the Administrative decision and remand the matter. But the Circuit Court of Prince George's County failed to accept the Petition for judicial review for Shepherds Driving School, as such affirmed the decision of the Administrative court. There was no procedural due process in the case of Shepherds driving school.

At the Administrative hearing, the school had two Counsels. Counsel Bert Kapinus represented the driving school during the administrative hearing but failed to present evidences of the driving school. All driving school evidences submitted by Petitioner to Counsel Bert Kapinus was not submitted to the judge during the Administrative hearing. As such, Mr. Kapinus connived with the Maryland Motor Vehicle Administration and handed over Shepherds driving school evidences to the Maryland Motor Vehicle Administration and used the evidences against the driving

school. Counsel Bert Kapinus failed to object to the false allegations made by the Maryland Motor Vehicle Administration during the Administrative hearing. The official transcript of the Administrative hearing was a proof that there was no objection by Counsel Bert Kapinus in the case of the driving school.

Counsel Erek Barron did not defend the driving school during the trial at the Circuit Court of Prince Georges County, but connived with the Maryland Motor Vehicle Administration and the Circuit Court to dismiss the case of the driving school. There was no defense in favor of the driving school. Petitioner requested for different Counsel to represent shepherds driving school, but the request was denied by Judge Crystal D. Mittelstaedt of the Circuit Court of Prince Georges County and this is in violation of the VI Amendment for failing to provide Petitioner the right to a Counsel. The case of the driving school was dismissed with prejudice.

On February 7, 2020 Petitioner filed the case of Shepherds Driving School at the Maryland Court of Special Appeals. The Court of Special Appeals requested that the Circuit Court of Prince Georges County transfer Agency records with its inclusion to the Maryland Court of Special Appeals. The Circuit Court of Prince Georges County failed to transfer Agency records on time for Petitioner to complete its corrected briefs for submission the Court accordingly. Petitioner submitted three Motions to Extend time for filing Appellant's Corrected Briefs with its inclusion on the consecutive dates as follows: First Motion August 26, 2020, Second Motion September 14, 2020, and Third Motion September 24 2020, respectively. while awaits the records from the Circuit Court of Prince Georges County to be transferred over to

the Court of Special Appeals but failed to do so on time. Finally, Petitioner was able to complete the corrected briefs including Agency records and submitted it to the Court of Special Appeals on October 29, 2020. After Petitioner submitted the Briefs to the Court of Special Appeals, the case of the driving school was dismissed without no procedural due process. Transfer of Agency records from the Circuit Court of Prince Georges County to the Court of Special Appeals is a requirement that the tribunal prepare record of the evidence presented as stated in the Fifth and Fourteenth Amendments of the United States Constitution, but the courts failed to do so and dismiss the case of Shepherds driving School.

Petitioner filed a Petition for Writ of Certiorari with the Maryland Court of Appeals on March 1, 2021. After 6 weeks the court dismissed the Petition for Writ of Certiorari claiming that the Writ of Certiorari has no show and was not desirable in public interest. How can the case of a well reputable educational institution not be desirable in public interest? Shepherds driving school was open to the public between May 2017- March 7, 2019 Shepherds driving school was approved by the Maryland Motor Vehicle Administration for thirty-six hours driver educational program. Thirty hours was for in classroom and six hours behind the wheel instruction.

Shepherds driving school hired trained certified instructors by the Maryland Motor Vehicle Administration to teach driver's education in both English and Spanish. As such, the driving school was licensed, insured, and bonded by the State of Maryland to service the public interest. All taxes for the driving school were filed each year accordingly. Petitioner requested that the Court of Appeals explained why

the case of the driving school was not desirable in public interest. The Clerks and Judges of the Court of Appeals failed to do so. Not only did Petitioner desired for answers for the Petition for Writ of Certiorari from the Court of Appeals but was disappointed about mistakes and irregularities on the Courts Motions, Orders from the Clerks and Judges of the Court of Appeals. The Court of Appeals failed its duty to explain its decision except denied the Petition for Writ of Certiorari and dismiss the case of the driving school with prejudice.

It is Petitioner's humble request that this court call for the original transcripts from the Office of Administrative hearing and the Circuit Court of Prince Georges County for the case of Shepherds Driving School, see the blatant lies, and the abuse of power by the Maryland Motor Vehicle Administration in the court proceedings for Shepherds Driving School. Evidently, over nine hundred plus students attended Shepherds Driving School in May 2017 – March 7, 2019, only two (2) students reported the driving school in the month of March 2019. The Maryland Motor Vehicle Administration pretended as if Petitioner has committed the most criminal offense in history. As a United States Citizen. Petitioner, deserve the right to a fair trial and request that the Supreme Court of the United State hold the lower courts accountable for going against the V, VI, and XIV Amendments of the United States Constitution in the case of Shepherds Driving School.

REASONS FOR GRANTING THE PETITION

A To circumvent incorrect decisions of the right to Procedural due process, transfer of Agency records and the right to Counsel of this case. The decisions of the lower courts were void since the start of the case. This court should clarify the “decisions” of the courts denying and dismissing the case of Shepherds driving school.

The Maryland Motor Vehicle Administration had seven (7) witnesses testified against Shepherds Driving School and none of the driving school's witnesses present during the administrative hearing were given the chance to testify. This is in violation of Amendment VI of the United State Constitution.

Since the administrative hearing there was a blatant lack of procedural and substantive due process, the lack of substantial evidence presented demonstrate the latent hostility towards Mr. Smith Vodi. The Administrative central evidence in the case of Shepherds driving school is unauthenticated promotional videos posted on social media that the Maryland Motor Vehicle Administration characterized as showing an unlicensed individual. All other evidence by the Administration inspector's testimonies that Petitioner denied access to student records during unspecified times were false. Though a times, hearsay or may provide the sole basis of an administrative decision, is still “must” demonstrate sufficient reliability and probative value to satisfy the requirement of procedural due process. The Maryland

Motor-Vehicle-Administration-unreliable_evidence was insufficient to prove the administrative courts findings and the court's decision was unreasonable. In addition, minimal due process requirements, administrative decisions must be supported by substantial evidence. *Maryland Department of Transportation v. Maddalone*, 187 Md. App. 549 (2009). As such, in administrative proceedings, the authenticity of evidence must be established. *Department of Public Safety & Correctional Services v. Cole*, 79, 342 Md. 12 (1996). The Administrative Court introduce the testimony of inspectors, without any sworn statement or testimony from Mr. Smith Vodi or alleged student drivers Jipei Cui in the video. There clearly is no evidence that the videos are what the Administration claimed they are or what the Administrative court apparently found them to be.

The Administrative court findings that Shepherds Driving School violated Maryland Code of Regulations 11.23.01.07 by failing to make available student records available for inspection by the Administration was unsubstantiated by the evidence in the record. The Maryland Motor Vehicle Administration, failed to introduce any evidence establishing Petitioner's business posted business hours. The Maryland Motor Vehicle Administration did not introduce any evidence supporting its allegations that Shepherds driving school prohibited the Administration from reviewing operational and student records during posted business hours. There was no due process since the beginning of the case of the driving school as such, the Maryland Motor Vehicle Administration also violated constitutional laws.

The Court of Special Appeals and the Circuit Court of Prince Georges County

Maryland failed to transfer agency records with its inclusion at the beginning of the case. Failing to transfer agency records by the tribunal is against the constitutional right of the Petitioner. As such the delay of the transfer of agency records by the Circuit Court of Prince Georges County made Petitioner not to complete its third and corrected briefs on time. Therefore, with no agency records Petitioner's corrected Briefs would not be submitted to the court at all. Eventually, Agency records were transferred over to the Court of Special Appeals on September 8, 2020 but Petitioner was not notified by the court regarding the arrival of the records until September 22, 2020 the Clerk Gregory Hilton of the Court of Special Appeals confirmed over a telephone conversation with Mr. Smith Vodi that the records have arrived at the court. The Clerk recommended that Sir Speedy picked up the records to make copies. See Appendix 77a-80a. Instead, the court acted with negligence, deliberately issued fake orders dismiss the case of the driving school with prejudice in violation of Constitutional laws.

The United State Court of Appeals for the Fourth Circuit entered a decision in conflict with prior decisions from the Court of Special Appeals, Circuit Court of Prince Georges County, and the Administrative court. The Court of Appeals based solely on the same decisions that the courts as so far avoided the respectable, and ethical aspect of judicial proceedings. It is a fact that the courts have acted despicable in an unlawful manner that the Clerks, Judges and Chief judges of the courts has connived with the Maryland Motor Vehicle Administration giving out FAKE Orders based on

false findings and conclusion of the law in the case of Shepherds Driving school. The Courts continuously denying and dismissing Petitioner's appeal to cover up Petitioner's \$5,000,000.00 (FIVE MILLION DOLLARS) compensation request to the courts against the Maryland Motor Vehicle Administration for damages caused to Shepherds driving school and its employee.

This case presents this Court with an opportunity to clarify the lower court "decisions" for not following the procedural due process in the case of Shepherds driving school. The constitutional law was not followed. It is Petitioner's humble request that this court order the Maryland Motor Vehicle Administration to compensate Petitioner for lost income, wages, time, and money wasted, including Petitioner's credibility, defamation of character and the credibility of Shepherds Driving School. This is a clear act of discrimination by the Maryland Motor Vehicle Administration against a black owned business in the State of Maryland. In as much, Shepherds of Zion Ministries International Church founded by Mr. Smith Kwame Oliver Vodi has been affected financially due to the close of Shepherds Driving School by the Maryland Motor Vehicle Administration.

The close of the driving school by the Maryland Motor Vehicle Administration has affected the operations of the Ministry financially and all its programs serving the Community since March 2019. There have been no services held for the Ministry due to financial hardship. The President, Founder and Principal of Shepherds of Zion Ministries International Church, Rev. Smith Kwame Oliver Vodi was solely relied on Shepherds Driving School for the swift operations of the Ministry. Also, Petitioner

request that this court Reinstate Shepherds Driving School located at 7100 Baltimore Avenue suite 100, College Park, Md 20740 and Petitioner's Driver Instructional license and certification. At the same time, Reinstate all instructional license and certification belonging to Mr. Smith Kwame Oliver Vodi.

CONCLUSION

For this foregoing reasons, Petitioner respectfully request that this Court issue a Writ of Certiorari to review the decisions of the Maryland Court of Appeals.

DATED this day of July, 2021.

Respectfully submitted,

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