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IN THE MATTER OF	*	**IN THE**
	*	**CIRCUIT COURT**
ARCHELON DEFENSE, LLC ET AL.	*	**FOR**
	*	**BALTIMORE COUNTY**
	*	**Case No. C-03-CV-25-003365**

* * * * * * * * * * * * *

MEMORANDUM OPINION AND ORDER

This matter is an administrative appeal from the Maryland State Police Handgun Roster Board ("Board"). Archelon Defense, LLC ("Archelon") and B&T, USA ("B&T") (collectively "Petitioners") brought the case under *Maryland Rules* 7-201 through 7-210 against the Maryland State Police ("Respondent"). The four handguns in question were petitioned to the Board and considered at a meeting on March 5, 2025. After each firearm vote concluded in a 5-4 vote, an appeal was heard on May 6, 2025. The four weapons were denied again by four 5-4 votes, and the Board issued four written decisions on June 10, 2025. For the reasons stated below, the Board's decision is vacated and the case is remanded for further proceedings.

I. Factual and Procedural History

Archelon, owned by Mr. Matt Sauers, is a Columbia, Maryland firearms dealer with a Type 07 Federal Firearms License. B&T, headquartered in Tampa, Florida, is a firearm designer, manufacturer, and importer with a Type 10 Federal Firearms License. The Maryland State Police is the statewide police force headquartered in Pikesville, Maryland.

There are four different firearms[1] for review, but the Board's vote count was identical each time. The Board has 11 members where "one shall be the Secretary as an ex officio

[1] The Petitions at issue are Numbers 25053, 25087, 25111, and 25112. First, Petition 25053 is an APC45K Pro Pistol, manufactured by B&T. Second, Petition 25087 is a DOE Pistol, manufactured by Harrington & Richardson.

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member" and "ten shall be appointed by the Governor with the advice and consent of the Senate." MD Code, PUB. SAFETY, § 5-404 (b)(1)-(2). The Board is to:

> (1) compile and maintain a handgun roster of authorized handguns that are useful for legitimate sporting, self-protection, or law enforcement purposes;
> (2) annually publish the handgun roster in the Maryland Register; and
> (3) semiannually send a copy of the handgun roster to all persons who hold a State regulated firearm dealer's license under Subtitle 1 of this title.

MD Code, PUB. SAFETY, § 5-405(a). To sell a handgun or manufacture for distribution in Maryland, the weapon must be on the handgun roster. MD Code, PUB. SAFETY, § 5-406(a)(1). There are serious criminal penalties for violations. For example, "[a] person who manufactures a handgun for distribution or sale in violation of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both for each violation." *Id.* at (c)(1). Also, "[a] person who sells or offers to sell a handgun in violation of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $2,500 or both for each violation." *Id.* at (c)(2). A "handgun" is defined as "a pistol, a revolver, or any other firearm capable of being concealed on the person" but "does not include a shotgun, a rifle, a short-barreled rifle, a short-barreled shotgun, or an antique firearm." MD Code, PUB. SAFETY, § 5-401(c)(1)-(2). The Board determines the availability and legality of the firearm market in Maryland.

On July 10, 2025, Petitioners filed their Petition for Judicial Review. On October 13, 2025, they filed a Memorandum in Support. On September 10, 2025, Petitioners filed a Motion for Special Admission of Out-Of-State Attorney under MD RULE 19-217, which the Court granted on September 15, 2025. The Record for Judicial Review was filed September 10, 2025.

Third, Petition 25111 is a SPC9 SD Tele Pistol, manufactured by B&T. Fourth, Petition 25112 is a SPC9 SD G Pistol, manufactured by B&T. Photos and descriptions were submitted to the court in the Record for Judicial Review.

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Both parties filed a Joint Motion to Substitute Record on September 18, 2025, granted September 25, 2025. After granting Respondent's Consent Motion for Extension Of Time, Respondent filed its Memorandum on December 11, 2025, and Petitioners filed their Reply on December 31, 2025. Oral argument was held on January 8, 2026.

II. Issue Presented

Did the Board err in denying Petition Numbers 25053, 25807, 25111, and 25112?

III. Standard of Review

Standards for substantial evidence and "judicial review essentially should be limited to whether a reasoning mind reasonably could have reached the factual conclusion the agency reached." *State Ins. Comm'r v. Nat'l Bureau of Cas. Underwriters*, 248 Md. 292, 309 (1967); *see Motor Vehicle Admin. v. Shea*, 415 Md. 1, 18 (2010). After the case is appealed, "[t]he standard in respect to judicial review is, generally, the same whether the agency grants or denies relief." *Stansbury v. Jones*, 372 Md. 172, 185 (2002). The evidence is very important because "where an administrative agency's conclusions are not supported by competent and substantial evidence, or where the agency draws impermissible or unreasonable inferences and conclusions from undisputed evidence, such decisions are due no deference." *Id.* at 184. The court evaluating the decision by the administrative agency "must not itself make independent findings of fact or substitute its judgment for that of the agency" but "determine the legality of the decision and whether there was substantial evidence from the record as a whole to support the decision." *Board of Educ. of Montgomery Cnty. v. Paynter*, 303 Md. 22, 35 (1985). Substantial evidence is "defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Id.* Here, "[t]he reviewing court also must review the agency's decision in the light

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most favorable to the agency, since decisions of administrative agencies are prima facie correct and carry with them the presumption of validity." *Id.* at 35-36.

While using the substantial evidence test, the court should defer to the agency's responsibility to find facts and draw inferences. *Maryland State Police v. Lindsey*, 318 Md. 325, 334 (1990). "Judicial review of administrative agency action is narrow." *United Parcel Serv., Inc. v. People's Counsel for Baltimore Cnty*, 336 Md. 569, 576 (1994). For conclusions of law, courts will "give significant weight to an agency's experience in interpreting a statute that the agency administers." *Anderson v. General Cas. Ins. Co.*, 402 Md. 236, 244-45 (2007). However, if the agency makes an erroneous conclusion of law, the court must correct that decision. *Id.* at 245.

IV. Discussion

1. Petitioners Have Standing

Petitioners Archelon and B&T assert their standing to bring forward the appeal. "In order to petition for judicial review of an administrative decision under SG § 10-222, the 'person or entity must both be a *party* to the administrative proceedings *and* be *aggrieved* by the final decision of the agency.'" *Turner v. Maryland Dep't of Health*, 245 Md. App. 248, 264 (2020) (emphasis in original) (citation omitted). Additionally, "the threshold to establish party status before an administrative agency is generally low." *Id.* The statute shares that "a party who is aggrieved by the final decision in a contested case is entitled to judicial review of the decision as provided in this section." MD Code, STATE GOV'T, § 10-222(a)(1). As cited by Petitioners, an "aggrieved party" is "[a] party entitled to a remedy; esp., a party whose personal, pecuniary, or property rights have been adversely affected by another person's actions or by a court's decree or judgment." Black's Law Dictionary (12th ed. 2024). Further, in Maryland common law,

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"standing to bring a judicial action generally depends on whether one is 'aggrieved,' which means whether a plaintiff has 'an interest such that [he, she, or it] is personally and specifically affected in a way different from ... the public generally.'" *Fraternal Order of Police v. Montgomery Cnty.*, 446 Md. 490, 506 (2016) (quoting *Kendall v. Howard Cnty.*, 431 Md. 490, 603 (2013)).

Mr. Matt Sauers testified under oath at the May 6th hearing, and he is the owner of Archelon. This decision directly impacts whether Archelon can sell these four respective firearms. B&T is a party too and manufactures three of the four firearms in question. Petitioners claim that B&T submitted letters in support of the appeals to the Board and the letters were reviewed in the initial Petitions and appeals. The denials demonstrate that Petitioners were aggrieved. In summary, both Archelon and B&T have standing to appeal the administrative decision for judicial review.

2. Parties' Arguments

Petitioners argue that the Board's decision does not follow the intent behind creating the Board, which was to prevent "Saturday Night Specials."[2] Next, Petitioners view the decisions as unsupported by law and evidence, arbitrary and capricious, and unconstitutional because of the Second Amendment. Petitioners add that the unrefuted record evidence proves each barrel is shorter than sixteen (16) inches. During oral arguments, however, Petitioners expressed that the Court could rule without constitutional analysis. Also, Petitioners challenge the statutory

[2] "Saturday Night Specials" refers to guns that are "short barrels, light weight, easy concealability, low cost, use of cheap quality materials, poor manufacture, inaccuracy and unreliability. These characteristics render the Saturday Night Special particularly attractive for criminal use and virtually useless for the legitimate purposes of law enforcement, sport, and protection of persons, property and businesses." *Kelley v. R.G. Industries, Inc.*, 304 Md. 124, 145-46 (1985). The Supreme Court of Maryland added, "the policy implications of the gun control laws enacted by both the United States Congress and the Maryland General Assembly reflect a governmental view that there is a handgun species, *i.e.,* the so-called Saturday Night Special, which is considered to have little or no legitimate purpose in today's society." *Id.* at 155.

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application and interpretation of MD Code, PUB. SAFETY, § 5-405(b). A Baltimore Sun article is cited with a request for the Court to take judicial notice of the Board's voting history. Moreover, Petitioners dispute the decision for a lack of evidence in the record and without significant findings of fact for identical 5-4 votes for all four guns.

Respondent contends that the decision was in line with the U.S. Constitution and Second Amendment. By deferring to the agency's fact-finding and expertise, Respondent argues that there was substantial evidence to support the decisions. Respondent supplements their argument that the Board's decisions were not arbitrary and capricious because there was careful consideration, multiple characteristics identified justification, and concealability is a major requirement if a firearm is a handgun. The initial and final decisions were not based on errors of law. In addition, Respondents cite MD Code, STATE GOV'T, § 10-222(h) because courts should not consider evidence outside of the record.

3. Statutory and Regulatory Framework

The Board must use statutory characteristics to vote on whether to add a handgun to the roster. Here,

> (b) The Board shall *consider carefully* each of the following characteristics of a handgun *without placing undue weight on any one characteristic* in determining whether any handgun should be placed on the handgun roster:
> (1) concealability;
> (2) ballistic accuracy;
> (3) weight;
> (4) quality of materials;
> (5) quality of manufacture;
> (6) reliability as to safety;
> (7) caliber;
> (8) detectability by the standard security equipment that is commonly used at an airport or courthouse and that is approved by the Federal Aviation Administration for use at airports in the United States; and
> (9) utility for legitimate sporting activities, self-protection, or law enforcement.

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MD Code, PUB. SAFETY, § 5-405(b) (emphasis added). A quorum includes at least six members at a meeting and a recorded majority vote of the Board is needed to pass a decision. Md. Code Regs. 29.03.03.08. Further, "[a] person who petitions for placement of a handgun on the handgun roster has the burden of proving to the Board that the handgun should be placed on the handgun roster." MD Code, PUB. SAFETY, § 5-405(c)(4). There is a very similar regulation to the applicable statute.

> A. In determining whether any handgun should be included on the Handgun Roster, the Board shall consider the following characteristics of a handgun:
> (1) Concealability;
> (2) Ballistic accuracy;
> (3) Weight;
> (4) Quality of materials;
> (5) Quality of manufacture;
> (6) Reliability as to safety;
> (7) Caliber;
> (8) Detectability by the standard security equipment commonly used at airports or courthouses and approved by the Federal Aviation Administration for use at airports in the United States; and
> (9) Utility for legitimate sporting activities, self-protection, or law enforcement.
> B. In determining whether any handgun should be placed on the Handgun Roster, the Board *shall carefully* consider each of the characteristics listed under §A of this regulation and *may not place undue weight on any one characteristic*.

COMAR 29.03.03.10 (emphasis added). Both the statute from the Maryland General Assembly and the regulation assign the role and decision making of handguns to the Board.

The definition of a handgun in Maryland is in the criminal law code. This "means a pistol, revolver, or other firearm capable of being concealed on the person." MD Code, CRIM. LAW, § 4-201(c)(1). A "'[h]andgun' includes a short-barreled shotgun and a short-barreled rifle[,]" but "does not include a shotgun, rifle, or antique firearm." *Id.* at (c)(2)-(3). Also, criminal law in the state explains the prohibitions and exemptions to wear, carry, or transport a handgun. *See* MD Code, CRIM. LAW, § 4-203.

> (a)(1) Except as provided in subsection (b) of this section, a person may not:

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(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;
(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;
(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;
(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or
(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

Id. at (a)(1)-(2). The statute includes what is permitted. See *id.* at (b). As the definitions of a handgun and concealment are large considerations for the Board, the Board's differentiation of each firearm must be reviewed.

4. The Board's Explanation

Following each vote, the Board members voting in the negative placed their oral reasons for the vote on the record. The Board issued four written Final Decisions. After describing the gun in Petition 25053, the Board wrote, "[t]he arguments offered by the Applicant were not sufficient to convince the majority of the full board as to the concealability; reliability as to safety; and utility for legitimate sporting activities and self-protection of the firearm." Petition 25053, Final Decision at 3. Separately, the Board added that they did not vote to overturn the initial denial after "[h]aving considered the characteristics set forth in MD Code Ann., Pub. Safety, § 5-405(b)[.]"Once the vote was taken at the May hearing, the Board members explained their denial votes:

> [CHAIRPERSON] JOHNSON: We have five ayes. Four noes. Okay. That motion fails to pass. Any further discussion or motions by the board? (No response.) Hearing none, the motion fails to pass. We would poll the nays for the record. Mr. Kohn, I want to start to start with you.
> BOARD MEMBER KOHN: My nay is based on the intent of concealability and in a similar line as Dr. Cassandra and I set my main concern as that in the state of

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> Maryland you cannot have a firearm in public that is not concealed, and so that's the status of my (indiscernible).
> [CHAIRPERSON] JOHNSON: Okay. Ms. Dennis?
> BOARD MEMBER DENNIS: My denial is in terms of concealability. Again, it's not able to be concealed on the body, and also the reliability as to safety. I'm sure it's a reliable gun, but as to safety in terms of doing harm or damage, that's not quite the case. So that's my response.
> [CHAIRPERSON] JOHNSON: Anything further, Dr. Crifasi?
> BOARD MEMBER CRIFASI: Just concealability.
> [CHAIRPERSON] JOHNSON: Mr. Bajefsky?
> BOARD MEMBER BAJEFSKY: I don't think it is useful for legitimate sporting purposes or activity, self-protection, self-protection for law enforcement purposes.
> [CHAIRPERSON] JOHNSON: Self-protection for law enforcement purposes?
> MR. BAJEFSKY: I guess law enforcement's fine. It's not useful material in sporting activities of self-protection.

May 6, 2025, Hearing Transcript ("May 6th Tr.") at 19-21; R111-13. The Board reiterated its stances in the next firearms' written Conclusion of Law by repeating "[t]he arguments offered by the Applicant were not sufficient to convince the majority of the full board as to the concealability; reliability as to safety; and utility for legitimate sporting activities and self-protection of the firearm." Petition 25111, Final Decision at 2-3. The Board wrote that all the characteristics in the statute were considered, but brief answers were given on the record at the hearing. *See id.*

> CHAIRPERSON JOHNSON: Any opposed? Four. Motion fails to pass. Any further discussion or any further motions. (No response.) Hearing none, we'll poll the no votes again, please.
> BOARD MEMBER KOHN: Concealability and reliability as to safety.
> BOARD MEMBER DENNIS: Same. Concealability and reliability as to safety.
> BOARD MEMBER CRIFASI: Concealability. Sorry, Rachel was still writing.
> CHAIRPERSON JOHNSON: I saw her getting close to the end. Thank you. Mr. Bajefsky.
> BOARD MEMBER BAJEFSKY: As I said before, not useful for legitimate sporting or self-protection activities.

May 6th Tr. at 15-16; R131-32.

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In the following written Final Decision, "the concealability; reliability as to safety; and utility for legitimate sporting activities and self-protection of the firearm" were cited. Petition 25112, Final Decision at 3. When the Board voted, the denying voters explained their reasoning:

> CHAIRPERSON JOHNSON: So the point is that the Board is not bound by our previous decision. We're here on the merits of this petition and that's what we're here considering. We have a motion to overturn the original denial. We have a second to the motion. Any further discussion on the motion before us? (No response.) Hearing none. We'll take a vote. All in favor, aye.
> GROUP:
> (Chorus of aye.)
> CHAIRPERSON JOHNSON: Any opposed? Four. With that we will poll the, I'm sorry, do we have any other, that motion fails to pass. Any other motions at this time? (No response.) Hearing none, we will poll the nay votes.
> UNIDENTIFIED SPEAKER: Concealability and reliability as to safety.
> CHAIRPERSON JOHNSON: (Indiscernible).
> BOARD MEMBER CRIFASI: (Indiscernible).
> BOARD MEMBER BAJEFSKY: Not useful for legitimate sporting and self-defense.

May 6th Tr. at 22-23; R155-56. The same rationale was given in the written Final Decision for Petition 25087 as previously applied above. Furthermore, "[t]he arguments offered by the Applicant were not sufficient to convince the majority of the full board as to the concealability; reliability as to safety; and utility for legitimate sporting activities and self-protection of the firearm." Petition 25087, Final Decision at 3. After the testimony and questioning for this firearm at the hearing, there was another vote and poll.

> CHAIRPERSON JOHNSON: Any opposed? Five yes. (indiscernible). The motion does not pass. Any further discussion or any further motions to be made to the board? (No response.) Hearing none, the motion does not pass. Poll the voting no members again, starting with you Mr. [K]ohn.
> BOARD MEMBER [K]OHN: Voting no based on criteria of concealability in that the firearm is not functional while concealable and (indiscernible) the reliability and safety in terms of how the firearm may be fired in ways that are allegedly (indiscernible).
> CHAIRPERSON JOHNSON: Ms. Dennis.
> BOARD MEMBER DENNIS: Yes. Also in terms of concealability and reliance upon safety.
> CHAIRPERSON JOHNSON: Dr. Crifasi.

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> BOARD MEMBER CRIFASI: Concealability.
> MR. JOHNSON: Mr. Bajefsky.
> BOARD MEMBER BAJEFSKI: I think this gun qualifies as a short barrel rifle and as a[n] assault weapon in Maryland law and therefore does not have a (indiscernible) sporting or self-protection purpose.

May 6th Tr. at 14-15; R172-73. The same Board members voted to approve or deny the firearm each vote and the answers were alike on the record and in the written Final Decisions.

5. The Board's Vote Did Not Follow The Law And Further Proceedings are Necessary

The Board is obligated to follow the statutes and regulations, but even with the Court's deference, the law was not properly applied. "When an agency makes 'conclusions of law' in a contested case, the court, on judicial review, decides the correctness of the agency's conclusions and may substitute the court's judgment for that of the agency's." *Spencer v. Maryland State Bd. Of Pharmacy*, 380 Md. 515, 528 (2004). In evaluating a ruling, "an administrative agency decision 'may be deemed 'arbitrary or capricious' if it is contrary to or inconsistent with an enabling statute's language or policy goals' or 'if it is irrationally inconsistent with previous agency decisions.' *Frederick Classical Charter Sch., Inc. v. Frederick Cnty. Bd. of Educ.*, 454 Md. 330, 406 (2017) (quoting *Harvey v. Marshall*, 389 Md. 243, 302-03 (2005)). This "occurs when decisions are made impulsively, at random, or according to individual preference rather than motivated by a relevant or applicable set of norms." *Id.* at 299. "Arbitrary" is defined as "1. Depending on individual discretion; of, relating to, or involving a determination made without consideration of or regard for facts, circumstances, fixed rules, or procedures. 2. (Of a judicial decision) founded on prejudice or preference rather than on reason or fact." Black's Law Dictionary (12th ed. 2024). Then, "capricious" is determined to mean "1. (Of a person) characterized by or guided by unpredictable or impulsive behavior; likely to change one's mind suddenly or to behave in unexpected ways. 2. (Of a decree) contrary to the evidence or

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established rules of law." *Id.* While there must be "substantial evidence in the record as a whole to support the agency's final decision[,]" the record is concerning. *Dep't of Labor, Licensing and Regulation v. Woodle*, 128 Md. App. 398, 406 (1999). The firearms are four distinct shapes and designs, but the Board voted identically with the same explanations.

The testimony was different for all the firearms at the May hearing. For Petition 25053, there was testimony regarding similar previously approved firearms and the concealability.

> MR. SALLER: The firearm in question, as you said, it's calibrated 45 ACP. When you review the handguns that are currently on the Maryland roster, is there a similar one available?
> MR. SAUERS: Yes, sir.
> MR. SALLER: And which one is that?
> MR. SAUERS: That is both the B&T APC45 and the B&T APC 9K.
> MR. SALLER: And what is the difference between those firearms and this firearm?
> Mr. SAUERS: The APC 45 is a slightly longer version, and the APC 9K is essentially the same size firearm, just chambered at nine-millimeters instead of 45.
> MR. SALLER: And I know this is a ridiculous question. You could not fire a 9 millimeter out of a 45 or vice versa, correct?
> MR. SAUERS: Not safely, no.
> MR. SALLER: Now, there's a variety of factors the board is to consider when they're evaluating the handgun, and we're just going to go through them one at a time here. Let's talk about this firearm's concealability.
> MR. SAUERS: I would say it's not very concealable at all. It's much larger than any typical police-issued side arm, much larger than any military-issued side arm, much larger than any civilian home defense pistol that most people would select or a civilian concealed carry firearm that most civilians would select.

May 6th Tr. at 3-5; R095-97. For Petition 25111, the testimony was that the firearm is concealable and accurate, but there were questions about a brace, sound suppressor, and attaching a stock. *See id.* at 2-15; R118-31. During the testimony about Petition 25112, the firearm was explained to have an ambidextrous manual safety, is concealable, and Petitioners did not have any contrary evidence that the firearm was not a pistol. *Id.* at 2-22; R135-55. Mr. Sauers testified that the B&T SPC9 SDG pistol has utility when "[c]ivilians use these for personal

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protection in the home. They use them for sporting purposes, for general pointing, for competition use, for fun and law enforcement and military units use firearms in various configurations similar to this one all over the world to protect us." *Id.* at 8-9; R141-42. The testimony for Petition 25087 was different.

> MR. SALLER: And this firearm here, we're going to go through the factors, is it concealable?
> MR. SAUERS: Yes, sir, it could be concealable. Especially if broken down into several pieces, it could be concealable.
> ***
> MR. SAUERS: Yes, sir. For civilian use, for sporting purposes, people enjoy collecting, owning these style of firearms for purposes of owning things that look similar to firearms they may or may not have been issued. They are safe and reliable. They're fun for customers to use at the ranch and for law enforcement purposes, these are made to an even higher standard than the other Palmetto State Armory firearms, because of the materials. So these would be suitable as well for law enforcement.

Id. at 3-6; R161-64. Each firearm had unique features, and the testimony varied throughout the appeals hearing.

The Court has the ability to:

> (1) remand the case for further proceedings;
> (2) affirm the final decision; or
> (3) reverse or modify the decision if any substantial right of the petitioner may have been prejudiced because a finding, conclusion, or decision:
> (i) is unconstitutional;
> (ii) exceeds the statutory authority or jurisdiction of the final decision maker;
> (iii) results from an unlawful procedure;
> (iv) is affected by any other error of law;
> (v) is unsupported by competent, material, and substantial evidence in light of the entire record as submitted;
> (vi) in a case involving termination of employment or employee discipline, fails to reasonably state the basis for the termination or the nature and extent of the penalty or sanction imposed by the agency; or
> (vii) is arbitrary or capricious.

MD Code, STATE GOV'T, § 10-222(h)(1)-(3). The decision was arbitrary and capricious. The current decisions should not stand with the explanations from the hearing and written formats.

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Given the depth of records and distinctive testimony for all four firearms, the decisions were not specific and do not prove the consideration of all nine characteristics. No one characteristic is to receive additional weight. *See* MD Code, PUB. SAFETY, § 5-405(b); COMAR 29.03.03.10. Petitioners have overcome the Court's agency deference and substantial evidence test. Still, it is not this Court's role to modify and place all four firearms on the handgun roster. The agency has specific knowledge and expertise for handguns and further proceedings will create a thorough discussion and lead to a proper outcome for all four firearms. This Court in its review has found differences and varying qualities among the four firearms.

Since the Court is ruling on the grounds that the decision was arbitrary and capricious based on the statutory application, the Court does not need to address taking judicial notice of evidence outside the record, and the Second Amendment constitutional law question. Requiring further proceedings will bring more transparency to the outcome and allow the Board to apply all the necessary characteristics. Previously, only the "nay" voters explained their reasoning and shared their viewpoints by listing one or a few of the characteristics. Despite all eleven voters not being present, there was a quorum. The firearms received five votes four consecutive times, and they were all one vote short of passing. Each firearm has individual qualities, and the Court holds that the decision is vacated and remanded for further proceedings.

V. Final Ruling

WHEREFORE, it is by the Circuit Court for Baltimore County,

ORDERED, that the Board's disapprovals of Petitions 25053, 25111, 25112, and 25087 are vacated and remanded for further proceedings consistent with this Court's opinion. On

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remand, the Board shall consider all characteristics set forth in MD Code, Public Safety Article §5-405(b) and COMAR 29.03.03.10 without according undue weight to any single characteristic.

Michael J. Finifter

02/18/2026 2:44:32 PM

Judge Michael J. Finifter
Circuit Court for Baltimore County

Entered: Clerk, Circuit Court for Baltimore County, MD
February 24, 2026

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