

IN THE MATTER OF  
THE GUTTER GUYS OF MARYLAND, LLC  
6947 GOLDEN RING ROAD  
ROSEDALE, MARYLAND 21237

Re: Appeal of Civil Citation No. CC2401308

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO.: CBA-25-004

\* \* \* \* \*

**OPINION**

This matter comes before the Board of Appeals for Baltimore County (“Board”) as an appeal of Baltimore County Administrative Law Judge (“ALJ”), Maureen E. Murphy’s August 27, 2024 Final Order, wherein the ALJ found The Gutter Guys of Maryland, LLC, in violation of Baltimore County Zoning Regulation (“BCZR”) Section 450 for posting a non-permitted sign pursuant to Civil Citation No. CC2401308, and imposed a civil penalty of \$500.00.

Marissa L. Merrick, Assistant County Attorney appeared on behalf of Baltimore County. James Dennis, managing member appeared on behalf of The Gutter Guys of Maryland, LLC (“Appellant”), without counsel.

This case is one of a pair of cases involving Appellant. Though the violation and ALJ hearing in this case occurred later than those in Case No. CBA-25-005, the appeal was the first one received by the Board, and as such, was heard and considered first.

The facts are straight forward. On July 23, 2024, Code Enforcement and Inspection Citation No. CS2401308 was issued to Appellant for the existence of a non-permitted sign attached to a utility pole in the public right-of-way at Carroll Island and Bowley’s Quarters Roads. On August 15, 2024, at a virtual hearing before the ALJ, testimony and evidence, including a photo of the sign, were presented.

Mr. Dennis argued that there were multiple similar signs at that intersection and wished to question the inspector why his sign was issued a citation while the other signs remain. Mr. Dennis alleged the Gutter Guys sign must have been planted.

ALJ Murphy found that the existence of other signs was irrelevant and held Appellant in violation of the BCZR, imposing a civil penalty of \$500.00 and requiring removal of the sign and all corrective action be completed by August 30, 2024.

Appellant filed a timely appeal, alleging that his office manager was not allowed to testify and present evidence that the company quickly removed any non-compliant sign once it was brought to the company's attention. Appellant also alleged that it did not receive mail from the County in a timely way, and that evidence submitted to the County prior to the hearing was not considered by the ALJ.

At no time during the ALJ hearing or in the appeal did Appellant deny the existence of the sign.

Ms. Merrick argued that at the hearing below, all evidence was part of the file before the ALJ and given consideration, including that previously submitted. Ms. Merrick also noted that there is no requirement under BCZR that a violator received notice prior to a citation being issued. She also pointed out that there were two prior citations issued to Appellant, though the earliest of these was dismissed. An examination of the Department of Permits, Approvals and Inspections complaint report reveals in a July 25, 2024 note that "[w]e have removed the sign 3 times. It keeps on coming back."

Mr. Dennis seems to take the position that since he ultimately removed the sign, Appellant should not have to pay a fine. Mr. Dennis never denied the existence of the sign. What Mr. Dennis disregards is that the violation should never have occurred, and it is the

violation that warrants the fine. After the fact mitigation does not excuse the reality that this Appellant knowingly violates the BCZR sign regulation in the conduct of its business. It is the hope of this Board that the imposition of the fine will send a clear message to Appellant and serve as a deterrent against future violations.

Accordingly, this Board finds that The Gutter Guys of Maryland, LLC is in violation of the Baltimore County Zoning Regulations Section 450 and should be subject to a fine as imposed by the ALJ, whose order we affirm in full.

**ORDER**

**THEREFORE, IT IS THIS** 2nd day of December, 2024, by the Board of Appeals of Baltimore County

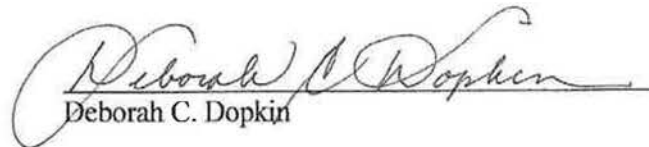
**ORDERED**, that the Administrative Law Judge decision dated August 27, 2024, upholding the violations in CC2401308 and imposing a civil penalty in the amount of \$500.00 is **AFFIRMED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

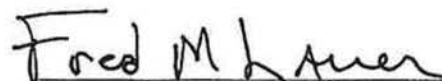
**BOARD OF APPEALS  
OF BALTIMORE COUNTY**



Bryan T. Pennington, Panel Chair



Deborah C. Dopkin



Fred M. Lauer



## Board of Appeals of Baltimore County

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December 2, 2024

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James Dennis  
The Gutter Guys of Maryland, LLC  
6947 Golden Ring Road  
Rosedale, Maryland 21237

RE: In the Matter of: *The Gutter Guys of Maryland, LLC*  
Case No.: CBA-25-004

Dear Ms. Merrick and Mr. Dennis:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Executive Secretary

KLC/taz  
Enclosure  
Duplicate Original Cover Letter

c: Maureen E. Murphy, Chief Administrative Law Judge  
Adam Whitlock, Chief of Code Enforcement/PAI  
C. Pete Gutwald, Director/PAI  
James R. Benjamin, Jr., County Attorney/Office of Law