

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

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO.: CBA-25-005

Re: Appeal of Civil Citation No. CC2401255

\* \* \* \* \*

**OPINION**

This matter comes before the Board of Appeals for Baltimore County (“Board”) as an appeal of Baltimore County Administrative Law Judge (“ALJ”), Derek Baumgardner’s August 20, 2024 Final Order, wherein the ALJ found The Gutter Guys of Maryland, LLC, in violation of Baltimore County Zoning Regulations (“BCZR”) Section 450 for posting non-permitted signs pursuant to Civil Citation No. CC2401255, and imposed a civil penalty of \$1,000.00.

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.

On July 17, 2024, in response to an anonymous complaint, subsequent inspection and correction notice, Code Enforcement and Inspection Citation No. CS2401255 was issued to Appellant for the existence of non-permitted signs attached to utility poles in the public rights-of-way in a number of locations in Baltimore County including along Green Spring Valley Road, Garrison Forest Road, and Park Heights Avenue. On August 8, 2024, at a virtual hearing before the ALJ, testimony and evidence, including photos of the signs, were presented.

Mr. Dennis argued that as soon as the County notified him of a non-permitted sign, he would have it promptly removed, but in this case, the correction notice was delayed in the mail and not received until after the correction date and issuance of the citation. Mr. Dennis felt that

the County is trying to make an example of his company. Upon questioning by the ALJ, Mr. Dennis testified that he is the owner of the company, having worked his way up over the fifteen or twenty years he has been employed by the Appellant. He further maintained that a rogue employee was responsible for putting the signs up counter to company policy.

The ALJ pointed out that such signs not only violate Baltimore County regulations, but also State of Maryland Department of Natural Resources regulations, which could subject Appellant to a court trial and criminal liability.

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

Mr. Dennis took the position that since he ultimately removed the offending signs, Appellant should not have to pay a fine. The fact that the rogue employee is no longer employed by the Appellant does not mitigate the fact that he acted on behalf of the company when installing the signs. What Mr. Dennis disregards is that the violations should never have occurred, and it is the violations that warrant the fine. After the fact mitigation does not excuse the reality that this Appellant knowingly violated the BCZR sign regulation in the conduct of its business.

Ms. Merrick argued that at the hearing below, that there is no requirement under BCZR that a violator receive a correction notice prior to a citation being issued, but such notices were given as a courtesy to encourage compliance. She also pointed out that there was a long history of citations issued to Appellant, going back to 2019 and involving some fifty illegal signs. The Department of Permits, Approvals and Inspections complaint report documenting the history is attached hereto as Exhibit 1. That report recites numerous prior citations by number, noting that many signs are still around and are the source of ongoing frequent complaints. Since 2019, the

County has removed the illegal signs, notified the company by phone and email, all taxing County personnel and resources. Ms. Merrick correctly points out that the Appellant could find and take down the signs proactively, rather than putting that burden on Baltimore County and expecting to be told where the company had posted the illegal signs!

Alleging irrelevant difficulties with the mail is not a defense for a long-standing pattern of ignoring the law. Such excuses are no substitute for taking responsibility for disobeying the law in the first place.

Accordingly, this Board finds that The Gutter Guys of Maryland, LLC disregards the law on an ongoing basis and has not made a good faith effort to comply with the sign regulations. Like the ALJ, we find the defense not credible, and that Appellant 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. 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.

**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 23, 2024, upholding the violations in CC2401255 and imposing a civil penalty in the amount of \$1,000.00 is **AFFIRMED**.

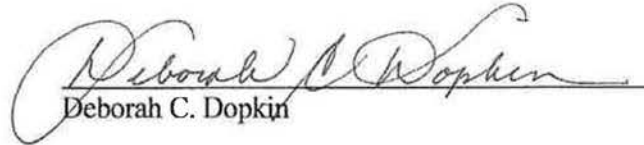
In the matter of: The Gutter Guys of Maryland, LLC  
Case No.: CBA-25-005

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*.

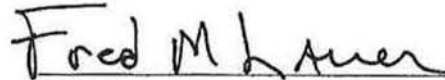
**BOARD OF APPEALS  
OF BALTIMORE COUNTY**



\_\_\_\_\_  
Bryan T. Pennington, Panel Chair



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Deborah C. Dopkin



\_\_\_\_\_  
Fred M. Lauer



## Department of Permits, Approvals & Inspections Complaint Report

Record Id: cs2401255

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CS2401255	Michael Kazlauski	07/10/2024	07/10/2024	Citation Mailed	07/16/2024	08/08/2024

**Complaint Description:**

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
6947 GOLDEN RING RD ROSEDALE, MD 21237 Tax Id: 1504350840	GUTTER GUYS 6947 GOLDEN RING RD ROSEDALE, MD 21237	ANONYMOUS

**Inspection Details**

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Michael Kazlauski		Pre Hearing Inspection	Scheduled		
Michael Kazlauski	07/10/2024	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Michael Kazlauski	07/17/2024	Re-Inspection	Citation Issued	Citation Issued	

**Lien Information - No Lien**



## Department of Permits, Approvals & Inspections Complaint Report

Record Id: cs2401255

### Comments Detail

7/10/2024: Remove Gutter Guy signs from all Baltimore County Baltimore County poles including, but not limited to: Garrison Forest below Crondall Lane, near the entrance to Jemicy School athletic field and also, Walnut ave/ Park Heights Ave on utility pole.

7/10/2024: More Gutter Guys signs. This time they are on Garrison Forest

7/17/2024: Failed to remove ALL "Gutter Guys" signs off of Baltimore County poles.

Remove ALL signs to avoid further citations.

7/17/2024: A lot of priors, Over the years, Baltimore County has been giving Verbal warnings, written warnings (correction notices), E-mails, and Citations that were dismissed before the hearing. These signs are still around and our office is getting complaints about the signs frequently. After multiple request to remove all the signs. County wants full fine

7/17/2024: Signs in this case were all on Greenspring Valley rd. (x2)

7/17/2024: Most signs were found on these roads, including, but not limited to: GreenSpring Valley rd, Greenspring ave, Joppa rd, Falls rd, York rd, Shawan rd, etc. over the past few years. County wants full fine

7/17/2024: PRIORS:

CS2400584

CS2301411

CS2400573

(Just to name a few, all dismissed before the hearing)

7/25/2024: N/A

7/26/2024: Received a phone call from James Dennis 410-687-7886, He demands the citation to be wave before the hearing. As of today (7/26/24) the signs still remain at all locations. he spoke with me, spoke to Ms. Scott and after that spoke to Ms. Clark. We all told him he must attend the hearing for the repeated violations. The supervisors and I request full fine.

Priors going back to 2019, here are the steps the county took in order.

1. removed the signs
2. removed the signs, then gave them a curtsey call.
3. removed the signs and e-mailed them
4. removed the signs, issued a correction notice. (signs are now up 15-20 feet high on poles).
5. Issued a correction notice then citation (dismissed before the hearing, due to compliance)
6. went straight to citation due to the long history. (Dismissed before the hearing, due to compliance)
7. once again, removed the signs, the ones we can reach, went to citation with any decision made in the hearing, County wants full fine and a Final Order.

Over 50 signs were pulled since 2019.

7/30/2024: Got an e-mail from Mr. Dennis, the signs are removed. The county is still going to continue with a hearing so Mr. Dennis and Gutter Guys can hear from a ALJ to Remove all remaining signs and they are prohibited to return.

8/6/2024: PLEASE READ IN HEARING: Please make sure Gutter Guys is aware of their 2nd citation for signs \$500 fine CS2401308, This hearing is on 8/15/24 at 9:00AM



## Board of Appeals of Baltimore County

JEFFERSON BUILDING  
SECOND FLOOR, SUITE 203  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180  
FAX: 410-887-3182

December 2, 2024

Marissa L. Merrick, Assistant County Attorney  
Baltimore County Office of Law  
400 Washington Avenue, Suite 209  
Towson, Maryland 21204

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-25-005

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